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Massachusetts (Colony) Laws, state & colony.

THE

# ACTS AND RESOLVES,

PUBLIC AND PRIVATE,

OF THE

# PROVINCE OF THE MASSACHUSETTS BAY:

TO WHICH ARE PREFIXED

## THE CHARTERS OF THE PROVINCE.

WITH

HISTORICAL AND EXPLANATORY NOTES, AND AN APPENDIX.

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PUBLISHED UNDER CHAPTER 87 OF THE RESOLVES OF THE GENERAL COURT  
OF THE COMMONWEALTH FOR THE YEAR 1867.

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VOLUME XIV.,  
BEING VOLUME IX. OF THE APPENDIX.  
CONTAINING  
RESOLVES, ETC., 1747-1753.

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RESOLVES, ORDERS, VOTES,  
ETC.

PASSED 1747-48.

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# LEGISLATIVE LIST<sup>1</sup>

FOR

1747-48.

HIS EXCELLENCY WILLIAM SHIRLEY,  
CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC.

JOSIAH WILLARD, Esq.,

SECRETARY OF THE PROVINCE.

## COUNCILLORS OR ASSISTANTS.

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of the Massachusetts Bay;*

JOHN OSBORNE	} ESQRS.	DANIEL RUSSEL	} ESQRS.
EZEKIEL LEWIS		SAMUEL DANFORTH	
FRANCIS FOXCROFT		WILLIAM FOYE	
JOSIAH WILLARD		JOHN GREENLEAF	
JACOB WENDELL		SAMUEL WATTS	
SAMUEL WELLES		JOHN QUINCY	
THOMAS BERRY		JOHN CHANDLER	
JOSEPH WILDER		EZEKIEL CHEVER	
BENJAMIN LYNDE		JOSEPH PYNCHON	

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of New Plymouth;*

JOHN CUSHING	} ESQRS.	SYLVANUS BOURN	} ESQRS.
GEORGE LEONARD		JOHN OTIS	

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Province of Mayn;*

SIR WILLIAM PEPPERIL, BARONET, JEREMIAH MOULTON & JOHN HILL, ESQRS.

*Of the Inhabitants of or Proprietors of Lands within the Territory lying between the River of Sagadahock & Nova Scotia;*

JOHN WHEELWRIGHT, Esq.

<sup>1</sup> See Legislative Records of the Council, xviii., 137-140.

*For the Province, at large:—*

JAMES MINOT & ANDREW OLIVER, ESQRS.

## REPRESENTATIVES OR DEPUTIES.

*May 27, 1747 to April 23, 1748.*

MR. THOMAS HUTCHINSON, SPEAKER.

### COUNTY OF SUFFOLK.

Boston,	.	James Allen, Esq.,
		Thomas Hutchinson, Esq.,
		Thomas Hubbard, Esq.,
		Samuel Adams, Esq.
Roxbury,	.	Joseph Heath, Esq.
Dorchester,	.	Capt. Thomas Wiswall.
Milton,	.	Samuel Swift, Esq.
Brantry,	.	John Quincy, Esq.
Weymouth,	.	Adam Cushing, Esq.
Hingham,	.	Benjamin Lincoln, Esq.
Dedham,	.	Joseph Richards, Esq.
Medfield, <sup>1</sup>	.	Capt. Samuel Morse.
Wrentham, <sup>1</sup>	.	Mr. John Goldsberry.
Stoughton, <sup>1</sup>	.	John Shepherd, Esq.
Brookline, <sup>1</sup>	.	Edward White, Esq.
Medway, <sup>1</sup>	.	Mr. John Barber.
Chelsea, <sup>1</sup>	.	Mr. Thomas Pratt.

### COUNTY OF ESSEX.

Salem,	.	Mr. Thomas Lee,
		Capt. John Gardner.
Ipswich,	.	John Choat, Esq.
Newbury,	.	Joseph Gerish, Esq.
Lyn,	.	William Collins, Esq.
Marblehead,	.	Mr. John Trasker.
Andover,	.	Capt. Nathaniel Frye.
Beverly,	.	Robert Hale, Esq.
Rowley,	.	John Hobson, Esq.
Salisbury,	.	Mr. Stephen Morrel.
Haverhill,	.	Capt. Nathaniel Peaslee.
Glocester,	.	Mr. William Parsons.
Amesbury,	.	Thomas Rowell, Esq.
Boxford,	.	Mr. Jonathan Foster.
Topsfield,	.	Mr. Jacob Peobody.
Bradford,	.	Mr. William Hardy.
Wenham,	.	Mr. Jonathan Porter.
Middleton,	.	Mr. Timothy Fuller.

### COUNTY OF MIDDLESEX.

Cambridge,	.	John Vassal, Esq.,
		Andrew Boardman, Esq.
Charlestown,	.	Isaac Royal, Esq.,
		Mr. James Russel.
Watertown,	.	Mr. Jonas Bond.
Concord,	.	Capt. Ephraim Jones.
Woburn,	.	Mr. Josiah Peirce.
Reading,	.	Capt. Thomas Eaton.
Newton,	.	Capt. Thomas Greenwood.
Sudbury,	.	Ephraim Curtis, Esq.
Groton,	.	William Lawrence, Esq.
Malboro'	.	Mr. Samuel Witt.
Billerica,	.	Capt. Thomas Kidder.
Framingham,	.	Joseph Buckminster, Esq.
Lexington,	.	William Read, Esq.
Chelmsford, <sup>2</sup>	.	Capt. Samuel Chamberlain.
Malden,	.	Joseph Bucknam, Esq.
Weston,	.	Josiah Brewer, Esq.
Medford,	.	Mr. Andrew Hall.
Littleton,	.	Mr. Caleb Taylor.
Hopkinson,	.	John Jones, Esq.
Sherburne,	.	Mr. William Greenwood.
Stow,	.	Mr. Phineas Rice.
Waltham,	.	Capt. Samuel Livomore.

### COUNTY OF HAMPSHIRE.

Springfield,	.	Mr. John Worthington.
Northampton,	.	John Stoddard, Esq.
Hadley,	.	Eleazer Porter, Esq.
Hatfield,	.	Oliver Partridge, Esq.
Westfield,	.	Thomas Ingorsal, Esq.
Suffield,	.	Capt. Phineas Lyman.
Enfield,	.	Mr. Thomas Jones.
Deerfield,	.	Mr. Daniel Feild.

### COUNTY OF WORCESTOR.

Worcester,	.	Benjamin Flagg, Esq.
Lancaster,	.	Capt. Joseph Wilder, Jr.

<sup>1</sup> Inserted from House Journal, p. 4.

<sup>2</sup> *Sic*, for Chelmsford.

COUNTY OF WORCESTOR — *Concluded.*

*Mendon*, . . Mr. Robert Tafts.  
*Woodstock*, . . Mr. Jabez Lyon.  
*Brookfeild*, . Josiah Converse.  
*Leicester*, . . Capt. Daniel Denny.  
*Lunenburgh*, . Capt. Benjamin Goodridge.  
*Westboro's*, . . Mr. Francis Whipple.  
*Shrewsbury*, . Mr. Isaae Temple.  
*Sutton*, . . Mr. Benjamin Woodbury.  
*Hurward*, . . Mr. Daniel Peirree.  
*Oxford*, . . Mr. Samuel Davis.  
*Bolton*, . . Mr. John Whitney.

## COUNTY OF PLYMOUTH.

*Plymouth*, . . Mr. Thomas Foster.  
*Seituate*, . . Mr. Caleb Torrey.  
*Duxbury*, . . Capt. Gamaliel Bradford.  
*Marshfeild*, . John Little, Esq.  
*Bridgwater*, . Capt. Josiah Edson, Jr.  
*Middleboro'*, . Mr. Samuel Bennet.  
*Pembroke*, . . Isaace Little, Esq.  
*Rochestor*, . . Mr. Samuel Wing.  
*Plympton*, . . Mr. William Churchill.

## COUNTY OF BARNSTABLE.

*Barnstable*, . James Otis, Esq.  
*Sandwich*, . . Samuel Tupper, Esq.  
*Yarmouth*, . . Mr. John Miller.  
*Eastham*, . . Samuel Knowles, Esq.

COUNTY OF BARNSTABLE — *Concluded.*

*Harwich*, . . Joseph Freeman, Esq.  
*Falmouth*, . . Capt. Rowland Robinston.

## COUNTY OF BRISTOL.

*Taunton*, . . James Williams, Esq.  
*Rehoboth*, . . Mr. Daniel Barney.  
*Dartmouth*, . . Capt. Nathaniel Sale.  
*Norton*, . . Ephraim Leonard, Esq.  
*Attleboro'*, . . Capt. Samuel Tyler.  
*Dighton*, . . Sylvester Richmond, Esq.  
*Freetown*, . . Mr. John Winslow.  
*Swanzey*, . . Mr. Ezekiel Brown.

## COUNTY OF YORK.

*York*, . . . Capt. Thomas Bragdon.  
*Kittery*, . . . Simon Frost, Esq.  
*Wells*, . . . Joseph Sawyer, Esq.  
*Fulmouth*, . . Mr. Jabez Fox.  
*North Yarmouth*, Jeremiah Powell, Esq.  
*Biddeford*, . . Capt. Daniel Smith.  
*Brunswick*, . . Mr. Samuel Hinkly.  
*Georgetown*, . . Samuel Denny, Esq.  
*Berwick*, . . Humphry Chadburn, Esq.  
*Scarboro'*, . . Mr. Eliot Vaughn.

## IN THE COUNTY OF NANTUCKET.

*Sherburne*, . . Mr. Abijah Folger.



# RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-SEVENTH DAY OF MAY, A.D. 1747.

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## CHAPTER 1.

### VOTE FOR ENCOURAGING THE INDIANS OF THE SIX NATIONS TO ATTACK THE ENEMY.

WHEREAS the Vote of this Court of the fourth of February last giving a Bounty upon Prisoners & Scalps taken & brought in by any Indians in Friendship with this Governm<sup>t</sup> stands limitted to such Indians as shall go out by Order of the Governm<sup>t</sup> & the Bounty of Five pounds given in order to fit out any such Indians is limitted to those who go out from the Borders of this Province by means whereof the said Vote has been ineffectual for the good Ends designed.

Therefore

*Ordered* that the said Vote be & hereby is superseded & sett aside, & that for a present Encouragement to said Indians, a Sum not exceeding One thousand Pounds be & hereby is granted to be paid out of the publick Treasury into the Hands of John Stoddard Esq. who is desired to give Directions by himself immediately or by some proper Agents for the disposal of the same in fitting out & rewarding from time to time any Indian or Party of Indians in friendship with this Government, who shall go out against the Enemy or shall make any Spoils upon them, the Reward to be in proportion to the Service, & according to the best Discretion of said John Stoddard Esq. he to render an Account of his Proceedings herein.

And it is further

*Ordered* that the Cloathing & Ammunition already supplied Coll. Stoddard for the Purposes of the aforementioned Vote, be disposed of by him according to his Discretion in like manner with One thousand Pounds granted by this Vote, also

*Voted* that his Excellency the Governoour be desired to write in the Name of this Government to the several Governments of New York. New Hampshire, Connecticut Rhode Island, New Jersey, Pensylvania. & Mary land, desiring them to join in encourageing & promoting the favourable Disposition which now appears in the Indians of the Six Nations against the French & Indian Enemy.  
[Passed May 30.]

Legislative  
Records of the  
Council, xviii.,  
144.

House Jour-  
nal, pp. 11, 12.  
Province  
Laws, xiii., 685,  
chap. 274.

## CHAPTER 2.

## ORDER ALLOWING £6 TO NATH'L HICKES.

Legislative  
Records of the  
Council, xviii.,  
145.

House Jour-  
nal, p. 115  
(August, 1746);  
p. 12. Province  
Laws, xiii., 465,  
chap. 1.

A PETITION of Nath'l Hickes a Soldier in the late Expidition ag<sup>st</sup> Cape Breton, Praying for some Consideration from this Court for the Wounds he received in the said Service, whereby he has been put to great Expence for Surgeons & Nursing & disabled from Labour.

Read &

*Ordered* that the Committee of War allow the Petitioner the Sum of Six Pounds in full consideration of his Sickness & Sufferings herein mentioned. [Passed May 30.]

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## CHAPTER 3.

ORDER ALLOWING £145. 16. 2 FOR ACCT OF EXPENCE ON THE PIG-  
WACKET INDIANS.

Legislative  
Records of the  
Council, xviii.,  
146.

House Jour-  
nal, pp. 16, 18.  
Province  
Laws, xiii., 597,  
chap. 11.

AN ACCOMPT presented by Noah Sprague & Benjamin Hammond of the Expence & Disbnrsmnt of the Money allowed them for their Care & Support of the Pigwacket Indians, Amounting to £145. 16. 2 Old Tenor.

Read &

*Ordered* that the Accomp be allowed & that the Committee who have the Care of the Pigwacket Indians be discharged of the Sum, of One hundred & forty five Pounds, sixteen shillings & two pence Old tenor accordingly. [Passed June 2.]

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## CHAPTER 4.

## ORDER ALLOWING £12. 10 TO JOB STANWOOD.

Legislative  
Records of the  
Council, xviii.,  
147.

House Jour-  
nal, pp. 10, 13.  
Province  
Laws, xiii., 465,  
chap. 1; 658,  
chap. 189.

A PETITION of Job Stanwood, a Soldier in the late Expidition against Cape Breton Praying for some further Allowance in consideration of his right Arm being shot off by a Cannon Ball whereby he is become a Cripple & utterly innable to support himself.

Read &

*Ordered* that the Committee of War be directed to allow the Petitioner, the sum of Twelve pounds ten shillings in order to enable him to pay for his past Subsistence & for his Support the ensuing year. [Passed June 2.]

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## CHAPTER 5.

ORDER ALLOWING TO JN<sup>O</sup> LARRABEE FIFTEEN PENCE PER MAN PER  
WEEK ADDITIONAL FOR VICTUALLING THE GARRISON AT CASTLE  
WILLIAM.

Legislative  
Records of the  
Council, xviii.,  
147.

A PETITION of John Larrabee, Vietualler of the Garrison at Castle William, Praying in Consideration of the great Price of

all Kinds of Provisions to be allowed a proportionable Rate for the Subsistence of that Garrison.

Read &

*Ordered* that an Addition of Fifteen pence per Man to the stated Allowance Weekly be paid the Petitioner for victualling the Men at Castle William, including the Six Months which expired the twentieth of May last, the said Additional Allowance to continue for Six Months from the said twentieth of May last. [Passed June 3.]

House Journal, pp. 16, 17.  
Province Laws, xiii., 655,  
chap. 182.

## CHAPTER 6.

### ORDER ALLOWING THE ACCT OF THE TREASURER OF BARNSTABLE COUNTY.

AN ACCOMPT was presented by Eben<sup>r</sup> Lewis Esq. Treasurer of the County of Barnstable for the year 1746, Having been laid before the Court of General Sessions of the Peace for the said County & by them allowed;

Read &

*Ordered* that the Accompt be allowed the Ballance thereof being Twenty two pounds, five shillings & seven pence (including the outstanding Debts), the said Treasurer is further accountable to s<sup>d</sup> County for. [Passed June 3.]

Legislative Records of the Council, xviii., 14s.  
House Journal, pp. 13, 17.

## CHAPTER 7.

### ORDER ALLOWING THE ACCT OF THE TREASURER OF WORCESTER COUNTY.

AN ACCOMPT was presented by Daniel Hayward Treasurer in the County of Worcester for the year 1746, Having been laid before the Court of General Sessions of the Peace for said County & by them allowed;

Read &

*Ordered* that the Accompt be allowed, the Ballance thereof being Thirty pounds, one shilling & four pence three farthings (exclusive of the Bond due to the County from [one]<sup>1</sup> Moses Morey) the said Treasurer is further accountable to said County for. [Passed June 3.]

Legislative Records of the Council, xviii., 14s.  
House Journal, pp. 13, 17.

## CHAPTER 8.

### VOTE APPOINTING A COMMITTEE TO INQUIRE INTO THE ACCTS OF THE COMMISSARIES IN THE LATE EXPIDITION &c.

*Voted* that M<sup>r</sup> Speaker, M<sup>r</sup> Allen, M<sup>r</sup> Hubbard, Cpt. Edson & Coll. Richards, with such as the Honb. Board<sup>2</sup> shall appoint be a Committee to inquire into the State of the Accompts of the Commissaries in the late Expidition against Cape Breton with full Power to oblige such Commissaries or their Representit<sup>vs</sup> to make up their Accompts, & pay the Ballances that shall be respectively due, And this Committee are likewise to make Inquiry concerning the Cloath-

Legislative Records of the Council, xviii., 14s.

Legislative Records of the Council, xviii., 17, 67. House Journal, p. 20.

<sup>1</sup> Inserted from Legislative Records of the Council, xvii. (5), 910.

<sup>2</sup> No record of the appointment of the House committee has been found.

ing belonging to the Province, at Louisburgh, & any other Effects which are not part of the Accompts sent home to the Agents, & to report some proper Method for obtaining such Cloathing & Effects or the value thereof. [Passed June 3.]

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## CHAPTER 9.

### ORDER IMPOWERING THE TOWN OF WORCESTER TO SELL A MINISTERIAL LOT.

Legislative  
Records of the  
Council, xviii.,  
149.

House Jour-  
nal, p. 19.

A PETITION of Benjamin Flagg, Thomas Wheeler, & Tyrns Rice a Committee for the Town of Worcester, Shewing that the said Town have voted to invest the Sum of Three hundred Pounds in Bills of the last Emission in Lands to be purchased for a perpetual Parsonage, & thereof Praying that they may be impower'd to make Sale of a Third Division Lot, containing One hundred Aeres, called the Ministerial Land of the Value of £80 or £100, to enable them to make said Purchase.

Read &

*Ordered* that the Prayer of the Petition be granted, Provided the Produce of said Sale be invested in a real Estate for the same Use that the Hundred Acres were destined to. [Passed June 3.]

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## CHAPTER 10.

### ORDER IMPOWERING ABRAHAM JONES, ADM<sup>R</sup>, TO SELL LAND.

Legislative  
Records of the  
Council, xviii.,  
150.

House Jour-  
nal, p. 23.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Abraham Jones Administ<sup>r</sup> of the Estate of Dearing Jones late of Mendon in the County of Worcester Dec<sup>d</sup> Shewing that the said Dearing Jones died greatly in Debt, & left but little Personal Estate, that his real Estate consists of an House & Sixty two Aeres of Land & that to sell a part would greatly damage the rest, & therefore Praying that he may be enabled to sell the whole, the remainder of the Produce after the Debts are discharged to be paid as this Court shall order.

Read &

*Ordered* that the Prayer of the Petition be granted & that the Petitioner be & he is hereby impowered to make Sale of the Sixty two Aeres of Land mentioned therein for the most the same will fetch, & to execute a good Deed or Deeds for the same, first posting up proper Notifications of the Time & Place of Sale, agreeable to the Directions of the Law in such case provided, & giving sufficient Bond to the Judge of Probate for the County of Worcester, that out of the Money arising by such Sale he will pay the just Debts of the Deceased, & deliver & pay the remainder (if any there be) as the s<sup>d</sup> Judge shall order, Agreeable to Law. [Passed June 5.]

## CHAPTER 11.

## ORDER ALLOWING £15 TO JOSEPH FREEMAN.

A PETITION of Joseph Freeman,<sup>1</sup> Praying to be allowed a Sum out of the publick Treasury, in consideration of Wounds which he received in the publick Service at Cape Breton whereby he is disabled from Labour.

Read &

*Ordered* that the Committee of War be directed to pay the Petitioner within named Fifteen pounds in consideration of his past Sufferings & for his Subsistence the ensuing year. [Passed June 6.

Legislative Records of the Council, xviii., 152.

House Journal, pp. 16, 24. Province Laws, xiii., 465, chap. 1.

## CHAPTER 12.

## ORDER OF NOTICE WITH STAY OF PROCEEDINGS ON THE PETITION OF ABIJAH FOLGER.

A PETITION of Abijah Folger Representit<sup>ve</sup> of the Town of Sherburne on Nantucket Island, Shewing that the late General Court has appointed a Committee to repair to Nantucket & inquire into the Grounds of the Complaint of Paul Quabin & others, Indians of Nantucket, against the English Inhabitants, Praying that the Matter may be suspended till the said Town of Sherburne be served with a Copy of said Complaint & give in their Answer.

Read and

*Ordered* that the Pet<sup>r</sup> serve the Town of Sherburne with a Copy of this Pet<sup>n</sup> and the Pet<sup>n</sup> of Paul Quaban within refer'd to. And the further Consideration of said Pet<sup>n</sup> is refer'd till the first fryday of the next Sitting of this Court, and all Proceedings with respect to the Committee app<sup>ted</sup> to repair to Nantucket are Suspended in the mean time. [Passed June 6.

Legislative Records of the Council, xviii., 152. Mass. Archives, xxxi., 541.

Mass. Archives, xxxi., 540. House Journal, pp. 259, 260, 263 (March, 1746); p. 24. Province Laws, xiii., 689, chap. 283.

## CHAPTER 13.

ORDER IMPOWERING JABEZ FOX, GUARDIAN AND ADM<sup>R</sup>, TO SELL AN ESTATE.

A PETITION of Jabez Fox Guardian to Benjamin Wright late of Falmouth in the County of York dec<sup>d</sup> & Administ<sup>r</sup> on his Estate, Shewing that a small real Estate in the Town of Medfield, consisting of sundry Parcels of Land, the whole of the Value of £140 Old tenor fell to the said Minor by the Death of his Uncle Sammel Sadley dec<sup>d</sup> that the said Minors Estate is in Arrear to the Petitioner about Fifty Pounds & nothing but the said Land to pay the said Debt, And therefore Praying that the Petitioner may be enabled to sell the said Land & satisfy himself out of the Produce & account with Judge of Probate for the County of Suffolk for the Remainder.

Read &

*Voted* that the Prayer of this Petition be Granted and that the Petitioner be and hereby is Enabled to make sale of the real Estate

Legislative Records of the Council, xviii., 153. Mass. Archives, xviii., 239.

Mass. Archives, xviii., 238. House Journal, pp. 19, 23. Province Laws, ii., 151, chap. 10.

<sup>1</sup> The House Journal, pp. 16, 24, adds, "Jun."

herein mentioned. He observing the Rules and Directions of the Law in that Case provided. He also giving sufficient security to the Judge of Probate in the County of Suffolk, for the produce of the Said Sale and that the over plus (if any there be after the Just debts of the Intestate and Charges of Settleing said Estate are paid) to be divided to the heirs of the s<sup>d</sup> Intestate pursuant to Law. [Passed June 6.<sup>1</sup>

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## CHAPTER 14.

### ORDER ON THE PETITION OF DIVERS INHABITANTS OF GROTON & NOTINGHAM TO BE ANNEXED TO DUNSTABLE.

*Legislative Records of the Council, xviii., 154.* JOSEPH WILDER Esq. from the Committee of both Houses, on the Petition of John Swallow & others Inhabitants of the Northerly part of Groton, and Notingham gave in their report.<sup>2</sup>

*Legislative Records of the Council, xviii., 143. House Journal, pp. 11, 26. Province Laws, xiii., 689, chap. 284; 783, chap. 355.* Read Accepted, & Ordered that the Petition of John Swallow & others, Inhabitants of the northerly part of Groton, be so far granted as that the Petitioners with their Estates petitioned for, be sett off from Groton & annexed to the Town of Dunstable, agreeable to Groton Town Vote of the 18<sup>th</sup> of May last; And that the Petition of the Inhabitants of Notingham be granted; & that that part of Notingham left to this Province with the Inhabitants thereon be annexed to said Dunstable, & that they thus incorporated do Duty & receive Privilege as other Towns within this Province do or by Law ought to enjoy, Provided that within one year a House for the publick Worship of God be erected & placed two hundred & forty eight rods distant from Mr John Tyng's South East Corner, to run from said Corner North fifty two Degrees West, or as near that Place as the Land will admit of. [Passed June 8.

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## CHAPTER 15.

### ORDER REMMITTING TO THE TOWN OF HARWARD £10 FINE FOR NOT SENDING A REPRESENTATIVE.

*Legislative Records of the Council, xviii., 155. House Journal, pp. 26, 29. Province Laws, iii., 284.* A PETITION of the Select Men of the Town of Harward, Praying, in consideration of the great & uncommon Sickness the said Town was visited with the last year & other impoverishing Circumstances, that this Court would remit the Fine laid upon them for not sending a representative.

Read &

Ordered that the Sum of Ten pounds be allowed out of the Province Treasury to the Town of Harward, in answer to the Prayer of the within written Petition. [Passed June 9.

<sup>1</sup> This date is according to Mass. Archives, xviii., 239; according to Legislative Records of the Council the date is June 8.

<sup>2</sup> No report has been found.

## CHAPTER 16.

## ORDER PROVIDING FOR THE SUBSISTENCE AND PASSAGE OF DIVERS PERSONS, TO ANNAPOLIS ROYAL.

A PETITION of Mess<sup>r</sup>s Alford & Tyng merch<sup>t</sup>s Shewing that there is lately arrived in Boston in a Vessel consigned to them from An-tigna, a Widow & three Children of one Gold, who was serviceable to Admiral Warren in the late Expidition ag<sup>st</sup> Cape-Breton, that the said Woman & Children have nothing to support themselves & are bound to Annapolis; Praying that this Court would give Orders about them.

Read &

*Ordered* that the Prayer of the Petition be granted & that M<sup>r</sup> Hall, the Representit<sup>v</sup>e of Medford be directed to take Care of the Subsistenee of the Persons in the Petition mentioned while in the Town & to procure a Passage for them to Annapolis Royal by the first Conveyance. [Passed June 9.]

## CHAPTER 17.

## ORDER IMPOWERING THE JUDGE OF PROBATE TO DISTRIBUTE AN ESTATE AFTER LAPSE OF TIME.

A PETITION of Peter Luce, Executor of the last Will of Gyles du Lake Tidmarsh, Shewing that the Estate was rendered Insol-vent in the year 1740, & Commissioners appointed to receive the Creditors Claims, who by reason of some Mistakes lapsed the Time allowed for giving in their Report; and therefore Praying that the said Commissioners may be impowered to give in their report, That so the Petitioner may finish the Aecompt of his Administration.

Read &

*Ordered* of <sup>1</sup> that the Prayer of the Petition be granted & that the Commissioners therein named be & hereby are directed forth-with to exhibit the Acompt of their Proceedings to the Judge of Probate of the County of Suffolk, who is hereby impower'd to re-cieve the same & proceed to the Distribution of the Testator's Estate to & among the Creditors, pursuant to Law, the Omission within mentioned notwithstanding. [Passed June 9.]

## CHAPTER 18.

## ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF JOHN WING.

A PETITION of John Wing of Dartmouth, Shewing that Nicholas Delaverger, having brought two Actions against him, that at the last Superiour Court in the County of Bristol, they refer'd their Controversys to Arbitrators, but they not agreeing upon a report, they<sup>1</sup> said Delaverger took out an Execution ag<sup>st</sup> the Petitioner, & left the Provincee, and therefore Praying that the Execution may

<sup>1</sup> *Sic.*

Legislative Records of the Council, xviii., 155.

House Jour-nal, pp. 27, 30.

Legislative Records of the Council, xviii., 155.

House Jour-nal, p. 28.

Legislative Records of the Council, xviii., 156.

House Jour-nal, p. 26.

be staid till the next Court, that the Petitioner may have opportunity to discharge one Execution with another.

Read &

*Ordered* that the Petitioner serve the Adverse Party or his Attorney Cpt. Timothy Ruggles with a Copy of this Petition, that he shew cause if any he hath on the first Tuesday<sup>1</sup> of the next Sitting of this Court, why the Prayer thereof should not be granted, & Execution within mentioned is stayed in the mean time, Provided the Petitioner give sufficient Security to the Sheriff of the County of Bristol, to pay the sum that shall be finally recovered with Interest from this time. [Passed June 9.]

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## CHAPTER 19.

### VOTE ON THE BELLINGHAM PETITION IN REGARD TO ECCLESIASTICAL AFFAIRS.

Legislative Records of the Council, xviii., 154, 156.  
Mass. Archives, cxv., 267.

House Journal, pp. 27, 31.

A PETITION of divers Inhabitants of the Town of Bellingham, Setting forth their great & uncommon difficulties attending their religious Affairs & especially the Support of the Ministry by reason of the many Sectaries among them & the small Number & Poverty of the remainder, Praying for Relief from this Court.

The Committee to whom was referred the Petition of sundry Inhabitants of Bellingham as within mentioned, are of Opinion, that it would be proper, that the Pet<sup>rs</sup> & those whom they represent, be directed to lay before this Court at their next Sitting, a Schedule of their several Names, with the Towns or Precincts to which they desire to be respectively set off, as to Ecclesiastical Affairs & that in the mean Time no Presentment be made or try'd for their not settling a Minister in said Town

All which is humbly Submitted

By order of the Comm<sup>tee</sup>

SAMUEL WELLES

the above Report read & Accepted & thereupon

*Voted* that the Pet<sup>rs</sup> & those whom they represent, lay before this Court at their next Sitting, a List of their Names & of the Towns or Precincts whereunto they desire severally to be annex'd as to Ecclesiastical affairs, & that in the mean Time no Presentment be made or try'd for the said Towns not Settling a Minister. [Passed June 9.]

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## CHAPTER 20.

### ORDER ALLOWING £2. 10 TO PHINEAS NASH.

Legislative Records of the Council, xviii., ag<sup>st</sup> Cape Breton, 157.  
House Journal, pp. 29, 30.  
Province Laws, xiii., 465, chap. 1.

A PETITION of Phineas Nash a Soldier in the late Expidition to ag<sup>st</sup> Cape Breton, Shewing that he accidentally lost one of the Province Arms, for which he returned one of his own into the Commissary's Office, Praying that he may be allowed the Value of it out of the Treasury.

Read &

*Ordered* that the Committee of War be directed to allow the Petitioner Two pounds ten shillings in consideration of the Loss of the Gun within mentioned. [Passed June 10.]

<sup>1</sup> The House Journal, p. 26, and Legislative Records of the Council, xvii. (5), 925, read, "Thursday."

## CHAPTER 21.

ORDER ALLOWING TO SARAH CRECY THE WAGES DUE TO HER LATE HUSBAND.

A PETITION of Sarah Crecy of Methuen, Widow of Daniel Crecy Dec<sup>d</sup> a Soldier in the late Expidition against Cape Breton, Praying that she may be allowed Fifty Pounds for Wages due to him in said Service.

Read &

*Ordered* that the Prayer of the Petition be granted & that the Committee of War be directed to pay the above named Sarah Crecy the sum that they shall find due as Wages to her deceased Husband. [Passed June 11.]

Legislative Records of the Council, xviii., 158.

House Journal, p. 35. Province Laws, xiii., 465, chap. 1.

## CHAPTER 22.

ORDER ALLOWING £6 TO HENRY BLODGET.

A PETITION of Henry Blodget, Praying for an Allowance out of the publick Treasury for Wounds he received in the publick Service, whereby he has been put to great Pain & disabled from Labour.

Read &

*Ordered* that the Sum of Six pounds be allowed to the above named Petitioner out of the publick Treasury in consideration of his Wounds & Sufferings above mentioned. [Passed June 11.]

Legislative Records of the Council, xviii., 158.

House Journal, pp. 29, 33.

## CHAPTER 23.

ORDER REMMITTING TO THE TOWN OF PEMBROKE £5 FINE FOR NOT SENDING A REPRESENTATIVE.

A PETITION of the Town of Pembroke, Praying to have the Fine laid upon them the last year for not sending a representitive remitted to them in consideration of the small number of their Inhabitants & their Poverty.

Read &

*Ordered* that the sum of Five pounds be allowed the Town of Pembroke out of the publick Treasury, in consideration of the Fine imposed upon them the last year as abovementioned. [Passed June 11.]

Legislative Records of the Council, xviii., 158.

House Journal, pp. 31, 33. Province Laws, iii., 341, note.

## CHAPTER 24.

ORDER ALLOWING THE WAGES DUE TO NESO TOWNEY, INDIAN.

A PETITION of Oliver Partridge Esqr Shewing that an Indian Man named Neso Tawney of the Mohegan Tribe, who lived at Hadley, is now dead & his Wife also, that there is due to him for his Service at Cape Breton £6. 17. 8 Praying that it may be put into some proper hand for the use of his Children.

Read &

Legislative Records of the Council, xviii., 159.

House Journal, p. 38. Province Laws, xiii., 465, chap. 1.

*Ordered* that the Prayer of the Petition be granted, & the Committee of War are directed to pay to Eleazar Porter Esq. the sums that shall be found due as Wages to the above named Neso Tawney Dec<sup>d</sup> to be improved for the benifit of his Children. [Passed June 11.

## CHAPTER 25.

### ORDER ALLOWING £15 TO EDWARD MANCHESTER.

Legislative Records of the Council, xviii., 159.  
House Journal, pp. 16, 35, Province Laws, xiii., 465, chap. 1; 569, chap. 282.

A PETITION of Edward Manchester a Soldier in the late Expedition against Cape Breton, Praying for some further consideration for the Wounds he received by the Blowing up of several Barrels of Powder, whereby he is still disabled from doing what is necessary for his Support.

Read &

*Ordered* that the sum of Fifteen pounds be allowed the Petitioner [by the Committee of War, to enable him]<sup>1</sup> to pay for his past Support & for his Subsistence for the ensuing year. [Passed June 11.

## CHAPTER 26.

### ORDER REFERRING THE PETITION OF THE TOWN OF WRENTHAM.

Legislative Records of the Council, xviii., 97, 159.  
House Journal, p. 269 (March, 1746); p. 38, Province Laws, xiii., 716, chap. 362.

ON THE PETITION of the Town of Wrentham, [*ante*, p. 716, chap. 362]

*Ordered* that the Consideration of this Petition be further refer'd to the second Wednesday of the Sitting of this Court, after the last day of September next. [Passed June 12.

## CHAPTER 27.

### VOTE FOR REINFORCING THE TROOPS ON THE EASTERN FRONTIER.

Legislative Records of the Council, xviii., 160.  
House Journal, p. 36, Province Laws, xiii., 702, chap. 321; 707, chap. 334.

THE NUMBER of Men on the Establishm<sup>t</sup> for the Defence of the Eastern Frontier being Five hundred, of which it appears that thirty four, who were to be of the Inhabitants were not enlisted; And it appearing to the House that Six hundred & fifty seven Men, may be necessary for the defence of said Frontier in the Summer Season; Voted that his Excellency the Captain General be desired to give Orders for the employing, for the further Defence of the said Frontier, thirty four Men who are not of the Inhabitants in lieu of that number which did not enlist; & One hundred & fifty seven Men in addition to said Five Hundred Men; The Establishm<sup>t</sup> for the whole Six hundred & fifty seven men to continue unto the fifteenth of October next. Also

Voted that his Excellency the Captain General be desired to give Orders that fifty of them be added to the Men already placed between Royal's River & the River St Georges; Fifty five to be added to those

<sup>1</sup> Inserted from Legislative Records of the Council, xvii. (5), 931.

placed between said Royal's River & Saco River; & the remaining Eighty Six to be added to those seventy men already posted between the Saco River & Berwick inclusive. The whole to be proportioned with respect to the several Towns in those Districts as the Captain General shall think fit. [Passed June 12.]

## CHAPTER 28.

### ORDER ALLOWING £6. 5 TO RACHEL MORGAN.

A PETITION of Rachel Morgan of Springfield Widow, Praying to be allowed out of the publick Treasury, the sum of Six pounds five shillings in Bills of the new tenor, for so much being burnt in her House, when that was consumed the eighth day of March last.

Legislative Records of the Council, xviii., 162.  
House Journal, p. 40.

Read &

Ordered that the Prayer of the Petition be granted, & the Treasurer is hereby impowered to pay the Petitioner or her Order the Sum of Six pounds five shillings out of the publick Treasury accordingly. [Passed June 13.]

## CHAPTER 29.

### ORDER REMITTING TO THE TOWN OF NEEDHAM £15 FINE FOR NOT SENDING A REPRESENTATIVE, AND VOTE REFERRING THE PETITION FOR ABATEMENT OF PROVINCE TAX.

A PETITION of the Town of Needham, Setting forth the Smallness of their numbers by taking off a considerable part of their Inhabitants & adding them to the Town of Natick; And Praying that their Fine for not sending a representit<sup>ve</sup> the last year be remitted, & that they may be excused for not sending one this year, and that their Province Tax may be abated.

Legislative Records of the Council, xviii., 162.  
Mass. Archives, xxiv., 265.  
House Journal, p. 39.  
Province Laws, iii., 281.

Read &

Ordered that the Fine imposed upon the Town of Needham the last year for not sending a Representitve be remitted & that the sum of Fifteen pounds, be allowed out of the Publick Treasury [to the Town of Needham]<sup>1</sup> accordingly; Also

Voted that the Consideration of an Abatement of their Tax be refer'd till they lay before this Court a List of their Valuation. [Passed\* June 13.]

## CHAPTER 30.

### ORDER GRANTING A GUN TO SARAH FURBISH.

A PETITION of Sarah Furbish, Shewing that her Husband Phineas Furbush was taken in the Service of the Province at Fort Massachusetts & then lost a borrowed Gun, which he was obliged to pay for, Praying that another Gun out of the Province Stores may be allowed instead of that Gun.

Legislative Records of the Council, xviii., 163.  
House Journal, pp. 29, 43.

<sup>1</sup> Inserted from Legislative Records of the Council, xvii. (5), 937.

Read &

*Ordered* that the Prayer of the Petition be granted, & that the Commissary General be directed to deliver out of the Province Stores a good Firelock to the Petitioner or her Order accordingly. [Passed June 16.]

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## CHAPTER 31.

### ORDER ON THE PETITION OF LYDIA GERISH, ADM<sup>X</sup>, IN REGARD TO AN ADDITIONAL ACCOUNT.

Legislative Records of the Council, xviii., 164.

House Journal, pp. 32, 43.

A PETITION of Lydia Gerish Widow & Administr<sup>x</sup> of Nathaniel Gerrish late of Berwick in the County of York, Setting forth the Difficulties her said Husband had in the Administration on the Estate of his Father Nathaniel Gerrish of Berwick Esq<sup>r</sup> Dec<sup>d</sup> and that her said Husband had a little before his Death prepared an additional Accompt of his said Administration, bnt by reason of the Suddenness of his Death was prevented of making Oath to it, Praying the Petitioner may be allowed to exhibit it & the Jndge of Probate to receive & Pass upon the said Accompt.

Read &

*Ordered* that the Prayer of the Petition be granted; & that the Judge of Probate of Wills &c be impowered to receive & examine the additional Accompt of Nathaniel Gerrish jun<sup>r</sup> herein named, & to pass his Decree for allowing the same or any part thereof to the Administr<sup>x</sup> of the said Nathaniel Gerrish jun<sup>r</sup> if it shall appear just & reasonable, the sum allowed as aforesaid to be disposed of according to the Direction of the Law. [Passed June 16.]

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## CHAPTER 32.

Legislative Records of the Council, xviii., 164.

House Journal, pp. 21, 41. Province Laws, xiii., 109, chap. 230; 121, chap. 261.

### VOTE ALLOWING £1555. 9. 2 FOR THE REPAIRS OF CASTLE WILLIAM.

*Voted* that the sum of One thonsand five hundred & fifty five pounds nine shillings & two pence be allowed & paid out of the Publick Treasury into the Hands of the Committee appointed to effect the repairs at Castle William in full Discharge of their Accompt. [Passed June 16.]

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## CHAPTER 33.

### ORDER ALLOWING £22 TO EBENEZER MARCH AND VOTE ALLOWING £16. 18. 6 TO RICHARD CROUCH.

Legislative Records of the Council, xviii., 165.

House Journal, pp. 30, 42.

A PETITION of Ebenezer Winchester Administr<sup>r</sup> of Cpt Ebenezer Winchester late of Framingham Dec<sup>d</sup> Intestate, Shewing that the said Cpt. Winchester was taken sick in the Publick Service & died upon the Frontiers, Praying that the Charge of his Sickness may be born by the Province.

Read &

*Ordered* that Twenty two pounds Old Tenor part of the Accompt

exhibited herewith, signed by Ebenezer March, be allowed & paid out of the publick Treasury in full Satisfaction thereof.

*Voted* also that the Accomp't signed by Richard Crouch, amounting to the Sum of Sixteen pounds, eighteen shillings & six pence old Tenor, be allowed & paid in like manner; The said Sums to be paid into the Hands of Eleazer Porter Esq<sup>r</sup> for the purposes above mentioned. [Passed June 17.]

## CHAPTER 34.

ORDER DIRECTING THE PAYMENT OF THE WAGES OF ROBT MOFFAT.

*Ordered* that the Treasurer be directed to pay to William Moffat or his Order the Wages due to his Son Robert Moffat whilst in the Service of the Province under Cpt. Josiah Willard, The said Robert being now in Captivity in Canada. [Passed June 18.]

Legislative Records of the Council, xviii., 165.  
House Journal, p. 47.

## CHAPTER 35.

VOTE CONTINUING THE SUBSISTENCE OF THE MEN AT N<sup>o</sup> 4.

*Voted* that the Subsistence of the Men at Number Four, which expires the 24<sup>th</sup> Current, be continued until the Fifteenth of October next. [Passed June 18.]

Legislative Records of the Council, xviii., 190.

Legislative Records of the Council, xviii., 165. House Journal, p. 45. Province Laws, xiii., 714, chap. 357.

## CHAPTER 36.

VOTE CONTINUING THE SUBSISTENCE OF THE THIRTY FIVE MEN ON THE WESTERN FRONTIER.

Legislative Records of the Council, xviii., 166.

*Voted* that Pay & Subsistence be allowed to thirty five Men in addition to those Forces already posted on the Western Frontier; Said Thirty five Men to be posted West of Connecticut River; The establishm<sup>t</sup> of said Forces upon the Western Frontier to continue till the fifteenth of October next. [Passed June 18.]

House Journal, p. 45. Province Laws, xiii., 707, chap. 334.

## CHAPTER 37.

ORDER ALLOWING PAY AND SUBSISTENCE TO SOLDIERS AT CONTOOCOOK.

A MEMORIAL of Capt John Stevens, Shewing that altho' the Establishment of the Pay & Subsistence of the Soldiers at Contoocook ended the 28 of March last, yet the Memorialist not having received Orders for their Dismissal till the latter end of April, he was not able to dismiss them till the tenth of May last, Praying that He may be allowed to make up his Muster Roll of said Men to that time.

Legislative Records of the Council, xviii., 166.

House Journal, pp. 20, 49.

Read &

*Ordered* that Pay & Subsistence be allowed to the fifteen Soldiers

herein mention'd from March the twenty eighth till the tenth of May following, the Establishm<sup>t</sup> being expired notwithstanding. [Passed June 18.]

## CHAPTER 38.

### ORDER IMPOWERING CPT. WM SYMMS TO MAKE UP HIS MUSTER ROLL AND DIRECTING THE COMMISSARY GENERAL TO ALLOW THE ACCOUNT OF PROVISIONS PURCHASED.

Legislative Records of the Council, xviii., 167.  
House Journal, pp. 44, 47.  
Province Laws, xiii., 662, chap. 200.

A PETITION of Capt. William Symmes, Shewing that he with Eight men continued as a Garrison at the Fort at Number Four, from the 3<sup>d</sup> of January to the 13<sup>th</sup> of Febr<sup>y</sup> last, for which time there was no Establishm<sup>t</sup> & that he Purchased a Considerable Quantity of Provisions as Commissary, which were lodged there & have since been expended in the Service of the Province, Praying that he & his Men may be allowed Wages & Subsistence to the time above mentioned, & that he may be paid for the Provisions furnished by him as aforesaid.

[Read and]

*Ordered* That the Petitioner be allowed to make up his Muster Roll for himself & Company from the third of January to Febr<sup>y</sup> 13<sup>th</sup> following, the Establishm<sup>t</sup> being expired notwithstanding; Also

*Ordered* that the Commissary General, upon the Petitioners making the Oath to the truth of the Facts in the Petition mentioned with respect to the Provisions, be directed to allow the Petitioner the sum of One hundred & forty pounds, eighteen shillings & six pence accordingly.

Also

*Ordered* that the said Commissary be directed to take effectual Care that such Provisions be accounted for by those Persons who expended them. [Passed June 18.]

## CHAPTER 39.

### ORDER OF NOTICE ON THE PETITION OF DIVERS INHABITANTS OF THE TOWN OF MEDWAY FOR ABATEMENT OF THE PROVINCE TAX.

Legislative Records of the Council, xviii., 161, 168.

Legislative Records of the Council, xviii., 164. House Journal, pp. 27, 38, 44, 50.  
Province Laws, xii., 93, chap. 201; *ibid.*, xiii., 555, chap. 244.

A PETITION of John Barber Representative of the Town of Medway, Shewing that in the year 1737,<sup>1</sup> Six Families were taken off from Wrentham & set to Medway, and the Tax of the said Town of Medway was raised thereupon, That afterwards the same Families were set back to Wrentham,<sup>2</sup> but no Abatm<sup>t</sup> made of the Province Tax thereupon, Praying that so much of the Province Tax as these Families paid may be abated to them.

On the Petition of the Town of Medway, Committed the 16<sup>th</sup> Curt with the Committee's report thereon for referring it to the next Session.

Read &

*Ordered* that this Report<sup>3</sup> be accepted & that the consideration of the said Petition be accordingly referr'd to the first Thursday of the next Sitting of this Court. [Passed June 19.]

<sup>1</sup> Set off to Medway April 10, 1735, Province Laws, xii., 93, chap. 201.

<sup>2</sup> Set back to Wrentham March 12, 1745, Province Laws, xiii., 555, chap. 244.

<sup>3</sup> This report has not been found.

## CHAPTER 40.

VOTE FOR THE ESTABLISHMT OF WAGES FOR THE PROVINCE SLOOP.

*Voted* that the Establishment for the Sloop in the Service of the Province be as follows; viz<sup>t</sup> For the Sloop Five shillings p Month; Tun p Month; The Captain Five pounds p month; The Mate Four pounds seven shillings & six pence p Month Ten Sailors at Fifty shillings p month each; This Establishmt to continue until the twentieth of November next. [Passed June 20.

Legislative Records of the Council, xviii., 169.

Legislative Records of the Council, xviii., 166. House Journal, p. 51.

## CHAPTER 41.

VOTE APPOINTING A GUARD FOR PERSONS BUILDING A FORT AT UPPER ASHUELOT, AND STATIONING SOLDIERS ON THE WESTERN FRONTIERS.

*Voted* that his Excellency the Captain General be desired forthwith to give Orders that Sixty four Men be taken out of the Soldiers ordered to scout between the Rivers of Connecticut & Merrimack, & that Sixteen men more be raised; The said Eighty Men to be employed to guard such of the Inhabitants of the Ashuelets as shall appear to build a Fort at the Upper Ashuelet, under the direction of the Captain General; Said Soldiers not to be employed in said Service unless the number of Twenty men appear to go, of said Inhabitants or such as they shall procure for said purpose; & such Inhabitants or others as they shall procure, to a number not exceeding thirty, to be paid & subsisted as Soldiers, together with the above mentioned sixteen Men to be raised for a Term not exceeding One Month. And that his Excellency the Captain General, be desired to post the remainder of said Soldiers heretofore ordered to scout from Connecticut to Merrimack as follows; Viz<sup>t</sup> Eight at Groton Precinct, Twenty at Townshend, Twenty at Lunenburgh, Eight at Leominster, & Six at Browns & Wilders on the Road from Lancaster & Nepiskog, Four at Narraganset Number two, & Forty at Northfeild. [Passed June 20.

Legislative Records of the Council, xviii., 169.

House Journal, p. 52. Province Laws, xiii., 702, chap. 321.

## CHAPTER 42.

VOTE FOR SENDING PROVISIONS TO NUMBER FOUR. &amp;c.

*Voted* that a Barrel of Rum be provided & sent to Number Four, & Sugar & Ginger to the Value of Twenty five pounds; Three quarters of a pound of Singar to a pound of Ginger; & that in proportion to be deliver'd to the Volnntiers on the Scalp Act, a Quantity eqnal in value to one Gill p diem a man; also Six hundred pounds of Rice to be delivered out to said Voluntiers who shall be sick in lieu of other Provisions. All the said Species to be lodged at Number Four; And also three Bushels of Indian Meal for the Use of the Sick; also for the use of those Voluntiers that shall scont from Number Four.

Legislative Records of the Council, xviii., 170.

House Journal, p. 50. Province Laws, xiii., 712, chap. 352.

*Voted* also that the Commissary General provide, a suitable quantity of Rice as occasion shall require, for other Voluntiers that shall

set out from any other Place, to be in lieu of any other Provisions; Also a suitable Quantity of Sugar & Ginger to be deliver'd out to the said Voluntiers in the proportion aforesaid in lieu of Rum.  
[Passed June 20.]

## CHAPTER 43.

### ORDER, ACCEPTING THE REPORT OF THE COMMITTEE ON THE PETITION OF THOMAS BERRY, ESQ<sup>R</sup>, & OTHERS OF IPSWICH TO BE MADE A SEPARATE PARISH.

Legislative  
Records of the  
Council, xviii.,  
131, 170.

Mass.  
Archives,  
xii., 531-549.  
Legislative  
Records of the  
Council, xviii.,  
35. House  
Journal,  
p. 184 (Decem-  
ber, 1746);  
pp. 24, 37, 50.

A PETITION of Thomas Berry Esq. & a great number of others Inhabitants in the first Parish in the Town of Ipswich, Setting forth the great Difficulties they are under in the Settlem<sup>t</sup> of a Minister there, who is acceptable to the Major Part of the Inhabitants And therefore Praying they may be sett off a seperate Precinct, or otherwise relieved as this Court shall judge most proper.

The Committee to whom were refer'd the Petitions of Thomas Berry Esq & others the Inhabitants of the first Parish in Ipswich prefer'd to this Court, & Dated the one the 24<sup>th</sup> of December & the other the 27<sup>th</sup> May last, Praying that they with their Associates might be made a seperate Parish, &c. Having fully heard the Parties & maturely considered the Pleas & Arguments as well in support of the Petition as in opposition thereto, Are upon the whole of Opinion that the Petitioners & their Estates in said Parish, together with the Land belonging to Mr Samuel Wainwright, the Farm & Land lately of Coll. John Wainwright (commonly called Bennet's Farm) the Estate lately of Stephen Smith deed<sup>d</sup> the Estate of Benjamin Wheeler, the Lands belonging to Sylvanus Lakeman, the Lands belonging to Mr Thomson's Heirs, the Estate lately of James Brown, now in possession of Cooley Smith, the Estate of Thomas & Isaac Burnham, now in possession of Benjamin Grant, the Homestead of Samuel Gibson, the Homestead of John Calf, the Homestead of Major Ammi Ruhamah Wise, and the Homestead lately of Mr Thomas Lord, the Interest belonging to Deacon Whipple & Samuell Baker in Argilla Farms, together with the Land belonging to the South Eight (so called) All lying on the South side of the River in said Parish, as also the Estate lately of Deacon John Staniford on the North Side of the River in said Parish, as also the Estate belonging to the Heirs of Symonds Epes Esq<sup>r</sup> & the Estate lately of Mr Samuel Appleton, now belonging to Mr Waters in England, both lying in said first Parish, together with half the other Lands in said Parish owned by Persons living out of said Town, with all such as by Writing under their Hands to be lodgded<sup>1</sup> in the Secretary's Office within three Months, join them, (Provided they do not amount to more than one half of said Old Parish, having regard both to the Poles & Estate therein) be & they hereby are sett off a distinct & seperate Parish, to hold & exercise the same Powers & Priviledges, as all other Parishes & Precinets within this Province by Law have or ought to enjoy, with Liberty to sell or dispose of their Pews in the Old Meeting House as heretofore they might have done; Provided, nevertheless, that if the said first Parish shall before the twentieth day of July next take effectual Care for building a New Meeting House on the South Side of the River, wherein to settle another Minister, The Parish to continue one & to

<sup>1</sup> Sic.

pay thier Ministerial & Parish Charges out of one Joint Stock, Agreeable to their Vote of January A D 1746, and also grant the same Salary & Settlement to the Minister to be chosen for said New House, as they lately Voted for M<sup>r</sup> John Walley & prosecute the whole with Effect without further delay; Then the foregoing Grant to the Petitioners & their Associates to be void, otherwise to be held good according to the full Extent & Meaning of the same: Which is submitted.

By Order of the Committee, SAMUEL WELLES.  
Read &  
Ordered that this report be accepted. [Passed June 20.]

## CHAPTER 44.

VOTE IMPOWERING THE COMM<sup>T</sup>EE OF WAR TO SELL WHEAT BELONG-  
ING TO THE PROVINCE.

Legislative  
Records of the  
Council, xviii.,  
171.

*Voted* that the Committee of War be directed to sell the Wheat under their Care to the best advantage of the Province, the Committee to be accountable. [Passed June 20.]

House Jour-  
nal, p. 50.  
Province  
Laws, xiii., 506,  
chap. 8.

## CHAPTER 45.

ORDER ALLOWING £280 TO CLEMENT MINOR.

A PETITION of Clement Minor of Stonington in the Colony of Connecticut Shewing that his House was on the 16<sup>th</sup> of April last bnrnt down, & that therein was consumed the Sum of Two hundred & eighty pounds of the Bills of Credit of this Province of the Old Tenor, And Praying that the like Sum may be allowed him out of the Province Treasury.

Legislative  
Records of the  
Council, xviii.,  
171.

House Jour-  
nal, pp. 49, 51.

Read &

*Ordered* that the Prayer of the Petition be granted, & the Treasurer is directed to deliver the Petitioner [the sum of]<sup>1</sup> Two hundred [and Eighty]<sup>1</sup> pounds Old Tenor or other Bills equivilant thereto accordingly. [Passed June 20.]

## CHAPTER 46.

VOTE ACCEPTING THE REPORT OF THE COMMITTEE ON THE REDEMP-  
TION OF CAPTIVES.

Samuel Welles Esq<sup>r</sup> from the Committee of both Houses, on the Affair of the English Captives, gave in their report, Which was read & Accepted by both Houses with amendments. And as amended is as follows; viz<sup>t</sup>

Legislative  
Records of the  
Council, xviii.,  
607, 609, 613, 954.

Legislative  
Records of the  
Council,  
xvii. (5), 285,  
607, 609, 613, 954;  
xviii., 95, 110,  
146. House  
Journal, pp. 18,  
51.

The Committee to project some Method, for the redemption of the Captives in Canada, report, That his Excellency the Governour be desired to send a Flag of Truce by Water to Canada; And that two Commissioners, be appointed by this Court to go, in order to

<sup>1</sup> Inserted from Legislative Records of the Council, xvii. (5), 954.

effect the Redemption, of all such Captives as may be there, belonging to this Government, the Governments of Connectient, New Hampshire & Rhode Island, with a suitable Intrepreter to attend them, And the governour be desired to procure all such [French]<sup>1</sup> Prisoners as may be obtained to send in such Flag of Truce; And that all possible Care be taken for the recov'ring of those Captives, that are in the hands of the Indians: And that the Seeretary be directed to write to the several aforesaid Governments, Acquainting them with the Design of this Government & proposing to them to join in the Expence in proportion to the number of Captives, that may be redeemed belonging to each Governm<sup>t</sup> And if there be any French Captives in either of the said Governments, they may forthwith be sent to this Province, in order to their being carried to Canada in said Flag of Trnce; And that his Excellency be desired to give Orders that all the French Captives in this Provincee, (except such as are married to his Majesty's Subjects, or have taken the Oaths of Allegiance &c) be forthwith sent to Boston, that so all that can be prevailed with to go, may be likewise sent in said Vessel. [Passed June 20.

## CHAPTER 47.

### ORDER IMPOWERING THE CONSTABLES OF THE TOWN OF SWANZEY TO COLLECT THE TAXES FOR THE YEAR 1746.

Legislative Records of the Council, xviii., 172.

House Journal, pp. 49, 55.  
Province Laws, xiii., 633,  
chap. 296.

A PETITION of Eseek Brown, Representitve of the Town of Swanzez, Shewing in behalf of the said Town, that the General Court in March last directed the Assessors of the said Town, to make the Rates & lay them before this Court, that before the Rate Bills could be Committed to the Constables, the annual Meeting for the Choice of Officers came on, & new Officers were chosen, & the Constables then chosen, refused to receive & collect the Taxes, apprehending that they were not obliged to it by Law, And therefore Praying for the further Assistance & Direction of this Court.

[Read and]

*Ordered* that the Assessors of the Town of Swanzez for the year 1746, be directed & impowered to deliver the Rate Lists & Warrants for the Town & County Tax, as also the Rate [List]<sup>2</sup> of the Province Tax in said Town for said year unto the present Constables of said Town, the time for delivering the same being elapsed notwithstanding; And said Constables shall be allowed & paid by said Town the usual Allowance for the collecting the Rates in said Town for one year. [Passed June 22.

## CHAPTER 48.

Legislative Records of the Council, xviii., 173.

House Journal, p. 56 bis.

### VOTE DIRECTING THE SOLDIERS FROM THE COUNTY OF MIDDLESEX TO CARRY TEN DAYS PROVISIONS.

*Voted* that his Excellency the Captain General be desired to give Orders that the Forces ordered from the County of Middlesex, be directed to carry ten days Provision with them. [Passed June 23.

<sup>1</sup> Inserted from Legislative Records of the Council, xvii. (5), 955.

<sup>2</sup> Inserted from Legislative Records of the Council, xvii. (5), 956.

## CHAPTER 49.

VOTE TRANSFERRING £4,821. 3. 10 FROM FORTS AND GARRISONS, TO GENERAL DEFENCE OF THE PROVINCE.

Legislative Records of the Council, xviii., 173.

*Voted* that the Sum of Four thousand eight hundred twenty one pounds three shillings & ten pence, the Ballance of the Appropriation of £5,790, for Forts & Garrisons, be transferr'd & appropriated for the general Defence of the Province. [Passed June 23.]

House Journal, p. 55. Province Laws, iii., 292, chap. 3.

## CHAPTER 50.

ORDER OF NOTICE ON THE PETITION OF WM GRIDLER ABOUT THE SETTLEMENT OF AN ESTATE.

A PETITION of William Gridler of Marblehead & Grace his Wife, Complaining against Samuel Stacey Surviving Executor of the last Will & Testament of John Stacey Father of the said Grace, for his fraudulent Dealings towards them in detaining from them an Annuity left them by their said Father, & therefore Praying that all Proceedings had in the Law by Virtue of an Order of this Court on the Petition of John and Mary Stacey, Administr<sup>rs</sup> of John Stacey dec<sup>d</sup> may be vacated & declared null & void.

Legislative Records of the Council, xviii., 173.

Read &

*Ordered* that the Petitioners serve the Adverse Party with a Copy of this Petition, that so he may shew cause if any he hath, on the First Fryday of the next Sitting of this Court, why the Prayer thereof, should not be granted. [Passed June 23.]

House Journal, p. 56. Province Laws, xiii., 475, chap. 30.

## CHAPTER 51.

ORDER IMPOWERING SAMUEL MILLER, FARMER OF EXCISE FOR THE COUNTY OF BRISTOL, TO SETTLE HIS ACCOUNT AND APPOINTING A COMMITTEE TO CONTINUE FOR THE REMAINDER OF THE TERM.

Legislative Records of the Council, xviii., 174.

House Journal, pp. 51, 57.

A PETITION of Samuel Miller of Warren, in the Colony of Rhode Island, Shewing that he took the Excise upon Strong Drink, for the County of Bristol to Farm for three year from September 1745, But for as much as a great part of that County has been taken off from this Province & joined to the Colony of Rhode Island, since his having taken the said Excise, Therefore Praying that he may be allowed to make up his Accompt with a Committee of the Court or the Treasurer of the Province.

Read &

*Ordered* that the Petitioner be allowed to settle with the Province Treasurer from Sept<sup>r</sup> 11. 1745, & ending Sept<sup>r</sup> 11. 1746, being Ninety six pounds five shillings, And that the Province Treasurer be directed to discharge the said Miller from his Bond upon his paying said Sum: And that Coll. Leonard & Capt. Williams, with such as the Honb<sup>l</sup> Board shall join<sup>1</sup> be a Committee fully impowered to farm the Excise of the said County of Bristol for the Remainder

<sup>1</sup> No addition to this committee by the Council has been found.

of the Term, Accordingly<sup>1</sup> to the Law in that Case made & provided:

*Voted* also that the said Samuel have as full Power as before to sue for & recover of all Persons in said County the Excise due from them, before the said 11<sup>th</sup> of Sept<sup>r</sup> 1746 & not yet paid. [Passed June 24.]

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Legislative  
Records of the  
Council, xviii.,  
174.

Legislative  
Records of the  
Council, xviii.,  
43. House  
Journal, p. 60.

VOTE SUBSTITUTING MR. RICHARD COFFIN FOR DANIEL BUNKER AS GUARDIAN OF INDIANS AT NANTUCKET.

*Voted* that M<sup>r</sup> Richard Coffin be one of the Guardians for the Indians at Nantucket in the room of Daniel Bunker dec<sup>d</sup>. [Passed June 24.]

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## CHAPTER 52.

Legislative  
Records of the  
Council, xviii.,  
177.

VOTE ALLOWING £50 AND A FURTHER SUM OF £17. 10 PER MONTH TO THE COMMISSIONERS FOR CANADA.

Legislative  
Records of the  
Council, xviii.,  
175, 175 b/s.  
House Jour-  
nal, pp. 62, 64.  
*Ante*, p. 23,  
chap. 46.

*Voted* that the sum of Fifty pounds be allowed out of the publick Treasury to each of the Commissioners appointed to repair to Canada, in order to provide themselves with Cloathing.

*Voted* also that the Sum of Seventeen pounds ten shillings be allowed to each of the Gentlemen *p* Month, whilst in the Service. [Passed June 25.]

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## CHAPTER 54.

ORDER ALLOWING THE ACCT OF THE TREASURER OF MIDDLESEX CO.

Legislative  
Records of the  
Council, xviii.,  
177.  
House Jour-  
nal, pp. 13, 61.

AN ACCOMPT of Danael Russel Esq<sup>r</sup> Treasurer of the County of Middlesex for the year 1746, Having been laid before the Court of General Sessions of the Peace for said County & by them allowed;

Read &

*Ordered* that this Accompt be allowed, & that the Ballance thereof being Eighteen pounds six shillings & one penny the said Treasurer is further accountable to said County for. [Passed June 25.]

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## CHAPTER 55.

ORDER ALLOWING THE ACCT OF THE TREASURER OF YORK CO.

Legislative  
Records of the  
Council, xviii.,  
177.

AN ACCOMPT of Jeremiah Monlton Esq<sup>r</sup> Treasurer of the County of York, for the year 1746, Having been laid before the Court of General Sessions of the Peace for said County & by them allowed;

<sup>1</sup> Legislative Records of the Council, xvii. (5), 959, reads, "according."

Read &amp;

*Ordered* that this Accompt be allowed & that the Ballance thereof, being twelve pounds, fifteen shillings & four pence the said Treasurer is further accountable to said County for. [Passed June 25.]

House Jour.  
nal, pp. 13, 61.

## CHAPTER 56.

ORDER IMPOWERING MARY CLARK TO RECEIVE THE WAGES DUE HER HUSBAND.

*Ordered* that Mary Clark Wife of Samuel Clark late of Lyn Dec<sup>d</sup> be allowed to receive out of the publick Treasury the Sum of One pounds sixteen shillings & five pence for Wages due to the said Samuel whilst in the Service of the Province as born upon Capt. Jordan's Muster Roll. [Passed June 26.]

Legislative  
Records of the  
Council, xviii.,  
179.House Jour.  
nal, p. 64.

## CHAPTER 57.

ORDER ALLOWING £15 TO LT<sup>C</sup> COLL. WM WILLIAMS.

A MEMORIAL of Lieutenant Coll<sup>l</sup> William Williams, Shewing that among other Losses he has sustained in the Service, the Soldiers by Mistake killed his Horse of £60, value Old Tenor, Praying that he may be allowed that Value out of the publick Treasury. Read & in Answer to this Memorial,

Legislative  
Records of the  
Council, xviii.,  
180.House Jour.  
nal, pp. 57, 63.

*Ordered* that the sum of Fifteen pounds [be allowed]<sup>1</sup> out of the publick Treasury to the within named Memorialist, in consideration of the Loss within mentioned. [Passed June 26.]

## CHAPTER 58.

ORDER APPOINTING COMMISS. FOR THE CONGRESS AT NEW YORK.

THE TWO HOUSES upon Agreement proceeded to the Choice of three Commissioners to meet Commissioners from the Provinces & Colonies in a Congress proposed to be held at New York And Samuel Welles, Thomas Hutchinson & Oliver Partridge Esq<sup>rs</sup> were chosen for said Service. [Passed June 26.]

Legislative  
Records of the  
Council, xviii.,  
181.House Jour.  
nal, pp. 61, 62  
65, 68.

## CHAPTER 59.

VOTE SUBSTITUTING PAYNE MAHEW, ESQ, FOR ZACHEUS MAHEW, ESQ<sup>R</sup>, AS GUARDIAN OF INDIANS IN DUKES COUNTY.

Legislative  
Records of the  
Council, xviii.,  
181.

*Voted* that Payne Mahew Esq<sup>r</sup> be one of the Guardians for the Indians in Dukes County in the room of Zacheus Mahew Esq<sup>r</sup> who declines that Service. [Passed June 26.]

Legislative  
Records of the  
Council, xviii.,  
43. House  
Journal, p. 67.

<sup>1</sup> Inserted from Legislative Records of the Council, xvii. (5), 971.

## CHAPTER 60.

ORDER ALLOWING £50 TO JOSIAH WILLARD, ESQ<sup>R</sup>, FOR CLERK HIRE,  
AND VOTE REFERRING PETITION.

Legislative  
Records of the  
Council, xviii.,  
181.

House Jour-  
nal, p. 66 bis.  
Province  
Laws, xiii., 621,  
chap. 85; 674,  
chap. 237; 675,  
chap. 238.

A MEMORIAL of Josiah Willard Esq<sup>r</sup> Secretary of this Province, Setting forth his slender Allowance for his Service & Praying for some further Consideration therefor, as also for continuing the Grant usually made for the Support of a Clerk in his Office.

Read &

*Ordered* that the sum of Fifty pounds be allowed & paid out of the publick Treasury to Josiah Willard Esq<sup>r</sup> in order to enable him to procure a Clerk for his Assistance for one year from the twelfth Current.

*Voted* also that the Consideration of the other Parts of this Petition, be refer'd to the Time for making Grants to the Civil Officers of the Province. [Passed June 26.]

## CHAPTER 61.

ORDER ALLOWING £18, AND VOTE ALLOWING £12. 10 TO CPT. PHINEAS STEVENS.

Legislative  
Records of the  
Council, xviii.,  
181.

House Jour-  
nal, p. 273  
(March, 1746);  
pp. 52, 65.

A PETITION of Capt. Phineas Stevens, Setting forth his great Expences in enlisting Soldiers for the publick Service, more especially for laying in Provisions & providing Slays for his March against the Enemy in the Winter Season for ten Men that failed him & in other Expences for the publick Service, Praying that he may [be]<sup>1</sup> reimbursed out of the publick Treasury.

Read &

*Ordered* that the Sum of Eighteen pounds Bills of the last Emission, be allowed the Memorialist in consideration of the Bread Slays & Money advanced as set forth in his Petition: And in as much as the Memorialist Capt. Phineas Stevens has from time to time distinguished himself in the Service of the Government in enlisting Numbers of Men, going forth into the Wilderness once & again, courageously facing the Enemy & appearing ready and cheerful at all times to perform whatsoever is demanded of him of the Governmt

Therefore

*Voted* that the Province Treasurer be directed to pay to the said Stevens the sum of Twelve pounds ten shillings [Bills]<sup>2</sup> of the last Emission as a Token of the Sense this Government have of his good Service. [Passed June 26.]

## CHAPTER 62.

ORDER ALLOWING £15 TO ELEAZER & SETH RICE.

Legislative  
Records of the  
Council, xviii.,  
182.

A PETITION of Eleazar & Seth Rice of Westboro', Shewing that they have expended several Sums of Money, for getting out of the

<sup>1</sup> Inserted from Legislative Records of the Council, xvii. (5), 974.

<sup>2</sup> Inserted from Legislative Records of the Council, xvii. (5), 975.

Hands of the Indians two Brothers that are now in Captivity, Praying that they may be allowed a Consideration for their said Expence, out of the Publick Treasury.

Mass.  
Archives,  
cxxiv., 267.  
House Jour-  
nal, pp. 52, 64.

Read &

*Ordered* that the Sum of Fifteen pounds be allowed out of the publick Treasury to the Petitioner in full consideration for the Charge herein mentioned. [Passed \* June 26.]

## CHAPTER 63.

### ORDER WITH STAY OF ALL PROCESSES, APPOINTING A COMMITTEE ON THE PETITION OF THE FIRST CHURCH IN MIDDLEBORO'.

A PETITION of Abraham Barden & others in behalf of the first Church in Middleboro' Setting forth the Difficulties they are under respecting the Support of their Ministry, & Praying for Relief from this Court.

Legislative  
Records of the  
Council, xviii.,  
146, 183.

In Council, read, And,

House Jour-  
nal, pp. 15, 67.  
Province  
Laws, xiii., 709,  
chap. 342.

*Ordered* that Samuel Watts Esq<sup>r</sup> with such as the Honbl<sup>d</sup> House shall join be a Committee to repair to the East Precinct in Middleboro', view & inquire into the Circumstances of the Parish, hear the Parties, project some Method for their Reconciliation, & uniting them into one Society for the publick Worship of God; And upon the whole to report, what they judge proper for this Court to do on the Petition; The Charge of the Affair to be born by the whole Parish: And all Processes mentioned in the Petition to be staid in the mean time, The Committee to give seasonable Notice of their Coming.

In the House of Representit<sup>es</sup>

[Read and concur'd, and Mr. Brewer and Major White, are joined in the Affair.]<sup>1</sup> [Passed June 26.]

## CHAPTER 64.

### ORDER IMPOWERING THE COMMISSIONERS TO CANADA TO REDEEM THE CAPTIVES OUT OF THE HANDS OF THE INDIANS.

Legislative  
Records of the  
Council, xviii.,  
183.

*Voted* that in Case any of the Captives who are in the hands of the Indians of Canada, cannot be procured without some Consideration made to such Indians for their release, the Commissioners be impower'd according to their Discretion, to promise & engage such Sums as they shall judge reasonable for the redemption of such Captives. [Passed June 27.]

Legislative  
Records of the  
Council, xviii.,  
179, 180. House  
Journal, pp. 57,  
68, 69. *Ante*,  
p. 26, chap. 53.

## CHAPTER 65.

### VOTES ADDING TO THE COMMITTEE ON TRANSPORTATION OF THE COMMISSIONERS TO QUEBEC, AND IMPOWERING THEM TO CHARTER OR IMPRESS A VESSEL.

*Voted* that M<sup>r</sup> Hubbard be added to the Committee appointed to consider & report what Preparations are necessary to be made for the Embarkation of the Commissioners for Quebec;

Legislative  
Records of the  
Council, xviii.,  
185.

<sup>1</sup> Inserted from the House Journal, p. 67.

Legislative Records of the Council, xviii., 175. House Journal, pp. 58, 69. *Ante*, p. 23, chap. 46. *Voted* also that the Committee be directed to take into the Service of the Province at a reasonable Rate, & if need be to impress a suitable Vessel to proceed as a Flag of Truee to Quebeek; The Province to take upon them the risque of the said Vessel. [Passed June 29.]

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## CHAPTER 66.

### ORDER ALLOWING £50 TO THE JUSTICES OF THE SUPERIOR COURT.

Legislative Records of the Council, xviii., 185. House Journal, pp. 152, 156 (October, 1746); pp. 72, 73. A MEMORIAL of Paul Dudley Esq<sup>r</sup> & others, Justices of his Majesty's Superior Court, Shewing that the two Houses, were pleased to make the Memorialists a Grant of Fifty Pounds, for their extraordinary Service, in attending upon the Trials of a great number of Rioters in the County of Bristol, but that Grant not being perfected, Therefore Praying that this Court would now make an Allowance for the said Service.

Read &

*Ordered* that the Sum of Fifty pounds be allowed out of the Province Treasury, to the Justices of his Majesty's Superior Court of Judicature &c, who attended the Trial within mentioned, in Lieu of that Sum formerly voted them, by the Two Houses to be paid out of the Fines of the said Rioters. [Passed June 29.]

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## CHAPTER 67.

### VOTE REFERRING TO THE PAY OF THE TROOPS ON YE FRON-TIERS.

Legislative Records of the Council, xviii., 187. House Journal, pp. 73, 74. Province Laws, xiii., 702, chap. 321. IN THE HOUSE OF REPRESENTATIVES; Whereas this Court have made an Establishment of Wages & Subsistence for Eight hundred & forteen Men for Scouts & Guards on the Eastern Frontier, & for garrisoning the several Forts there; & for the Western Frontier, Six hundred & thirteen (including the Garisons in Fort Dummer & the Block Houses, on the West Side of Connecticut River) making in the whole Fourteen hundred & twenty seven Men; Which Number of Forces the House apprehend may be sufficient for the Defence of the said Frontiers; And altho' that there be no reason to suppose that a greater Number of Forces will be paid, than what there has been an Establishmt for, yet as it appears to the House, that by the Managem<sup>t</sup> of some of the Officers, the Forces on the Frontiers have been employed alternately & alternately put out of Service; Therefore there may be Danger that some of them may be paid off for longer time than they were in Service; & by this means others may be excluded their Pay for the Service they have actually done, unless Care be taken to prevent the same in passing the Muster Rolls; Therefore

*Voted* that his Excellency the Governour be desired to give Order to the Chief Commanding Officer in the said Frontiers to take special Care that the whole Number of Men born on the Muster Rolls of their respective Companies for Payment do not exceed the Eight hundred & forteen for the Eastern Frontier & Six hundred & thirteen for the Western Frontier; for whom an Establishment

is made as aforesaid; And the Commissary General is directed in examining & passing the said Muster Rolls to take effectual Care that the number of Men so passed on by him for Payment do not exceed the said Establishment.

In council; read and concur'd. [Passed June 30.]

## CHAPTER 68.

VOTE CONTINUING THE ESTABLISHM<sup>T</sup> FOR THE MASSACHUSETTS FRIGATE.

Legislative Records of the Council, xviii., 188.

*Voted* that the Establishm<sup>t</sup> of the Wages & Subsistence for the Massachusetts Frigate, which expires the first of July next, be further continued till the first of October next. [Passed June 30.]

House Journal, p. 74.  
Province Laws, xiii., 717, chap. 366.

## CHAPTER 69.

ORDER OF NOTICE ON THE PETITION OF AMOS JANOSCO, INDIAN, COMPLAINING OF FRAUD IN THE EXECUTION OF A DEED.

A PETITION of Amos Janosco of Martha's Vineyard, Indian, Complaining against Simeon Butler Esq<sup>r</sup> & Elisha Amos for imposing upon him by obtaining his Executing & Acknowledging a Deed for conveying away his Estate, under Pretence of its being an Instrument, of another Nature, & Praying for Relief from this Court.

Legislative Records of the Council, xviii., 188.

House Journal, p. 74.

[Read and]

*Ordered* that the Petitioner cause Simeon Butler Esq<sup>r</sup> & Elisha Amos to be served with Copies of this Petition, & that they give answer thereto on the first Tuesday of the next Sitting of this Court, after the last day of Sept<sup>r</sup> next. [Passed June 30.]

## CHAPTER 70.

ORDER OF NOTICE ON THE PETITION OF THE INDIANS OF CHRISTIAN TOWN, COMPLAINING OF FRAUDULENT PRACTICES IN ALIENATING THEIR ESTATES.

A PETITION of Amos Ayanagasso & divers others of Christian Town in Martha's Vineyard Indians, Complaining against Elisha Amos for using divers fraudulent Practices for alienating their Estates from them: Praying that no Deed or Instrument thus obtained by him should be good in Law unless it be acknowledged before Justices of the Peace particularly nominated by this Court for that Service.

Legislative Records of the Council, xviii., 188.

House Journal, p. 74.

Read &

*Ordered* that the Petitioners cause Elisha Amos to be served with a Copy of this Petition, & that he give Answer thereto, on the first Tuesday of the next Sitting of this Court after the last day of September next. [Passed June 30.]

## CHAPTER 71.

## ORDER OF NOTICE ON THE PETITION OF RACHEL CHARLES, INDIAN, COMPLAINING OF FRAUDULENT PRACTICE IN ALIENATING HER ESTATE.

Legislative Records of the Council, xviii., 1748.  
House Journal, p. 74.  
*Supra*, chaps. 69, 70.

A PETITION of Rachel Charles of Christian Town on Martha's Vineyard Indian, Complaining against Elisha Amos, for getting from her Children a House, & Land her & them,<sup>1</sup> by virtue of a Fraudulent Deed, & Praying for Relief from this Court.

Read &

*Ordered* that the Petitioner cause Elisha Amos to be served with a Copy of this Petition, & that he give in his answer thereto upon the first Tuesday of the Sitting of this Court, after the last day of September next. [Passed June 30.]

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## CHAPTER 72.

## ORDERS ACCEPTING THE REPORT OF THE COMMITTEE ON THE VESSEL TO BE SENT TO QUEBECK AND PROVIDING THE ESTABLISHMENT OF WAGES THEREFOR.

Legislative Records of the Council, xviii., 1748.  
House Journal, p. 69.  
*Ante*, p. 29, chap. 65.

THE COMMITTEE to whom was refer'd to consider what Preparations are necessary to be made for the Embarkation of the Commissioners for Quebeck, are humbly of Opinion, That a Surgeon with a Box of Medicines, an Interpreter, Pilot, & two Servants should be procured to attend said Commissioners; & further that it might be decent & convenient for some suitable Person to proceed as Chaplain. Upon Presumption of all which, the Committee have calculated what Stores & Provisions would be required for the Gentlemen Commissioners, & such others as would partake of said Stores; & are of Opinion that it will demand Two hundred pounds of the last Emission to furnish a Sufficiency for four Months: The Committee are further of opinion that it will be necessary to lay in two Months Provision for the Voyage thither, supposing Forty Persons, & two Months Provision more for One hundred Persons expected to return: All which is humbly submitted,

By Order of the Committee, EZEKIEL CHEEVER.

Read &

*Ordered* that this report be accepted; And the Committee are directed to make the Preparations within mentioned accordingly: And it is further

*Ordered* that the Wages of the Surgeon be at least Five pounds per Month Of the Intrepreter Six pounds p month Of the Pilot Six pounds p Month Of the Chaplain Six pounds p Month Of two Servants Fifty shillings each p Month. [Passed June 30.]

<sup>1</sup> See, in both copies of Legislative Records of the Council.

## CHAPTER 73.

VOTE APPOINTING A COMMITTEE TO PURCHASE THE STONE BUILDING  
IN CHARLESTOWN FOR A POWDER HOUSE.

WHEREAS the Committee appointed by this Court to purchase a Stone Building (with as much Land adjoining as shall be necessary) in Charlestown for a Magazine, have not proceeded according to the Order of the Court; Therefore

*Voted* that Mr Hall & Cpt. read with such as the Honb<sup>t</sup> Board shall join, be a Committee, to purchase the Stone Building at Charlestown (with as much Land as may be necessary) which was formerly used for a Wind Mill on the best Terms they can, & agree with Workmen to repair & fit the same for the reception of the Province Powder in the cheapest manner & as soon as possible; And that the sum of One hundred & fifty pounds be allowed the said Committee out of the publick Treasury to enable them to carry on this Affair. [Passed June 30.]

Legislative Records of the Council, xviii., 189.

Legislative Records of the Council, xviii., 74. House Journal, p. 40 (June, 1746); p. 110 (August, 1746); p. 238 (February, 1746); p. 75. Province Laws, xiii., 606, chap. 36.

## CHAPTER 74.

## VOTES IN REGARD TO PREPARATIONS FOR COMMISSIONERS TO PROCEED TO QUEBEC.

*Voted* that the Committee appointed to make Preparation &c for the Commissioners to proceed to Quebeck, be directed to govern themselves in the Expence of that Affair in the most frngal Manner that the Nature of the Service & the Circumstances of the Person that may be Commission'd will admit; Any Instructions given said Committee by any former Vote notwithstanding; And

Legislative Records of the Council, xviii., 190.

House Journal, p. 74. Ante, p. 32, chap. 72.

It is further

*Voted*, that [the]<sup>1</sup> said Committee be likewise directed to determine upon the Wages of a Master & a suitable number of Mariners to navigate the Flag of Truec; And in case of need, that his Excellency be desired with the Advice of the Council to order an Impress to Man said Vessel. [Passed June 30.<sup>2</sup>]

## CHAPTER 75.

## ORDER IN REGARD TO RENEWING LICENCES IN THE COUNTY OF YORK.

A PETITION of Jeremiah Moulton Esq Farmer of the Excise for the County of York, Shewing that divers of the Inn Holders & retailers in the County aforesaid were prevented, from coming up to the Court of Sessions held at York in July last, to renew their Licences by reason of the Difficnlty & Danger of the Season; And therefore Praying that they may be allowed to renew their Licences at the Court to be held at Falmouth for said County in October next.

Legislative Records of the Council, xviii., 196.

House Journal, p. 78. Province Laws, iii., 236, chap. 2.

Read &

*Ordered* that the Prayer of the Petition be granted, & that the

<sup>1</sup> Inserted from Legislative Records of the Council, xvii. (5), 991.

<sup>2</sup> Adjourned to August 12. See Legislative Records of the Council, xviii., 190.

Justices of the Court of General Sessions of the Peace for the County of York, be allowed & impower'd at their Sessions on the first Tuesday in October next, to renew & grant the Licences accordingly the time for granting Licences being elapsed notwithstanding. [Passed August 12.]

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## CHAPTER 76.

### ORDER IMPOWERING MARY JONES TO RECEIVE THE WAGES OF HER HUSBAND.

Legislative Records of the Council, xviii., 196.  
House Journal, p. 78.

A PETITION of Mary Jones of Sherburn, Praying that she may be allowed to receive the Wages due to her Husband Thomas Jones, who was killed or taken by the Enemy, when in the Service upon the Frontiers.

Read &

*Ordered* that the Prayer of the Petition be granted; And the Treasurer is hereby directed to pay to the within named Mary Jones, what Wages shall be [found]<sup>1</sup> due to her said husband Thomas Jones, in Capt. Stevins Muster Roll accordingly. [Passed August 12.]

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## CHAPTER 77.

### ORDER GRANTING TO DAVID OSGOOD LICENCE TO KEEP A TAVERN.

Legislative Records of the Council, xviii., 197.  
House Journal, p. 82.

A PETITION of David Osgood of Bellerica, Shewing that thro' some Mistake he failed of obtaining a Licence to keep an Inn in said Town, And therefore Praying that the Court of General Sessions of the Peace for the County of Middlesex, may be impower'd to grant him a Licence at their next Term.

Read &

*Ordered* that the Justices of the General Sessions of the Peace for the County of Middlesex, be allowed & impower'd (if they see cause,) at their Session on the last Tuesday of August Currant, to grant the Petitioner a Licence to keep a publick House of Entertainment, upon the recommendation of three of the Select Men of Bellerica, to the said Justices at their Sessions, on the first Tuesday of July last, Altho' the Words are not according to the common Form prescribed by Law. [Passed August 13.]

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## CHAPTER 78.

### ORDER ALLOWING THE ACCT OF THE TREASURER OF SUFFOLK COUNTY.

Legislative Records of the Council, xviii., 198.  
House Journal, pp. 13, 40, 78, 82, 83.

AN ACCOMPT presented by Samuel Adams Esq Treasurer of the County of Suffolk for the year 1746, Having been laid before the Court of General Sessions of the Peace for the said County & by them allowed,

Read &

<sup>1</sup> Inserted from Legislative Records of the Council, xvii. (5), 1001.

*Ordered* that the within Accompt be allowed, & that the Balance thereof, being One hundred, fifty five pounds eight Shillings & seven pence, the said Treasurer is further accountable to said County for. [Passed August 14.]

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## CHAPTER 79.

### ORDER FOR THE PAYM<sup>T</sup> OF THE WAGES OF HER HUSBAND TO HANNAH LOVEJOY.

*Ordered* that the Treasurer be directed to pay to Capt. Nathaniel Fry for the Use of Hannah Lovejoy, the Wages due to her Husband Hezekiah Lovejoy dec<sup>d</sup> as he is born on Cpt. Jeremiah Ballard's Muster Roll. [Passed August 14.]

Legislative Records of the Council, xviii., 198.  
House Journal, p. 84.

## CHAPTER 80.

### ORDER FOR PAYING THE SOLDIERS TAKEN CAPTIVE AT FORT MASSA- CHUSETTS.

Legislative Records of the Council, xviii., 200.

*Voted* that the Treasurer be directed to pay what Wages shall be due to the several Soldiers arrived from Canada, who were taken Captive at Fort Massachusetts, upon the Certificate of Sergeant Hawks, that they were in the Service as entered upon the Muster Roll. [Passed August 17.]

Legislative Records of the Council, xvii. (5), 578.  
House Journal, p. 87.

## CHAPTER 81.

### ORDER ALLOWING £5 TO EACH OF THE CAPTIVES LATELY BROUGHT BACK FROM CANADA.

*Ordered* that the Sum of Five pounds old tenour be paid out of the Treasury to each & every Captive or their Order, which belong to this Province or was taken in the actual Service of it; & to Twenty three Persons more or their Order, who belong to Great Britain, or are at a Distance from all their Friends, for their present Support & relief.

Legislative Records of the Council, xviii., 201.  
House Journal, p. 88.  
*Ante*, p. 23, chap. 46.

And whereas the Governments of Connecticut & New Hampshire readily came into the Proposals made them by this Government, as to their bearing a proportionable [part of the]<sup>1</sup> Charge of sending a Flag of Truce to Quebec for Redemption of Captives

That therefore the Sum of Five pounds old tenour be advanced by this Governm<sup>t</sup> to every Captive (or Order) belonging to either of those Governments for their Subsistence till their Arrival to their several Homes: The Amount of which to be charg'd to each Governm<sup>t</sup> in the General Accompt of the Charge arising by the return of Captives from Canada; And that the Sums aforesaid be put into the Hands of Mr Hubbard for the purposes abovementioned. [Passed August 18.]

<sup>1</sup> Inserted from Legislative Records of the Council, xvii. (5), 1009.

## CHAPTER 82.

## ORDER ALLOWING £4 TO DAVID STANWOOD.

Legislative  
Records of the  
Council, xviii.,  
201.

House Jour-  
nal, pp. 87, 88.  
Province  
Laws, xiii., 465,  
chap. 1; 569,  
chap. 280.

A PETITION of David Stanwood a Soldier in the late Expidition Praying for some further Allowance, in consideration of the Wounds he received from the Enemy, whereby he is render'd a Cripple & unable to Labour.

Read &

*Ordered* that the Committee of War be directed to allow the Petitioner Four pounds in consideration of his Wounds & sufferings herein mentioned. [Passed August 18.]

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## CHAPTER 83.

## VOTE FOR ADJOURNING THE COURT OF GENERAL SESSIONS IN HAMPSHIRE COUNTY.

Legislative  
Records of the  
Council, xviii.,  
203.

House Jour-  
nal, p. 93.  
Province  
Laws, iii., 64,  
chap. 32.

WHEREAS the Justices of the Inferior Court of Common Pleas for the County of Hampshire by their Writ have adjourned said Court, which by Law was to be holden the last Tuesday of August Currant, unto the second Tuesday in September [next,]<sup>1</sup> by reason [that]<sup>1</sup> some of the Justices of the said Court are now obliged to attend the General Court; And it is necessary that the Court of General Sessions of the Peace, which should have been on said last Tuesday in August in said County, be also adjourned to the same time; Therefore

*Ordered* that the Court of General Sessions of the Peace, which by Law is to be holden at Springfield in the County of Hampshire on the last Tuesday of August Currant, be adjourned unto the second Tuesday of September next. And all Matters & Things that might be heard & determined at said Court shall have Day on said second Tuesday of September, & be then heared, tried & Determin'd. [Passed August 20.]

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## CHAPTER 84.

## ORDER ALLOWING THE ACCT OF THE TREASURER OF ESSEX CO.

Legislative  
Records of the  
Council, xviii.,  
204.

House Jour-  
nal, pp. 13, 82,  
94.

AN ACCOMPT presented by Daniel Appleton Esq<sup>r</sup> Treasurer of the County of Essex for the year 1746, Having been laid before the Court of General Sessions of the Peace for the said County, & by them allowed;

Read &

*Ordered* that the within Accompt be allowed, & that the Balance thereof, being Seventy one pounds two shillings & five pence half peny, the within named Treasurer is further accountable to s<sup>d</sup> County for. [Passed August 20.]

<sup>1</sup> Inserted from Legislative Records of the Council, xvii. (5), 1015.

## CHAPTER 85.

## ORDER ALLOWING £4 TO JANE HALL.

A PETITION of Jane Hall, Shewing that her Husband Eben<sup>r</sup> Hall being a Soldier in the late Expidition, returned home very sick & continued so many Months, & the Petitioner being Skilled in Medicine performed the part both of a Doctor & a Nurse, Praying for an Allowance for the same.

Read &

*Ordered* that the Committee of War be directed, to allow the Petitioner Four pounds in full consideration for the Expences in the Petition mention'd. [Passed August 21.]

Legislative Records of the Council, xviii., 205.

House Journal, pp. 88, 96. Province Laws, xiii., 465, chap. 1.

## CHAPTER 86.

VOTE SUBSTITUTING ROBERT HALE, ESQ<sup>R</sup>, FOR THOMAS HUTCHINSON ESQ. AS A COMMISSIONER TO THE CONGRESS IN NEW YORK.

THE TWO HOUSES according to Order, proceeded to the Election of a Commissioner for the Congress at New York, in the room of Thomas Hutchinson Esq<sup>r</sup>

And Robert Hale Esq<sup>r</sup> was chosen by the Major Vote of the Council & House of Representit<sup>vs</sup> and the Choice consented to by the Governour. [Passed August 21.]

Legislative Records of the Council, xviii., 205.

House Journal, p. 96. Ante, p. 27, chap. 58.

## CHAPTER 87.

## ORDER ALLOWING £25. ANNUALLY FOR THREE YEARS FOR THE SUPPORT OF A MINISTER AT PROVINCETOWN.

A PETITION of Samuel Smith, Agent for Province Town, Shewing the Fewness & Poverty of the People there, & their Inability to support a Minister, And therefore Praying that this Court (as in former years) would grant an Allowance out of the publick Treasury for a Minister there,

Read &

*Ordered* that the sum of Twenty five pounds be annually allowed for three years out of the Province Treasury to the Rev<sup>d</sup> Mr John Avery of Truro, in order to support a Minister at Province Town, provided the Inhabitants procure a Minister to preach to them seven Months in a year; the said Mr Avery to be accountable for the Disposition of the Money, Provided also the Minister preach to them from the first of October to the first of May annually. [Passed August 21.]

Legislative Records of the Council, xviii., 205.

House Journal, pp. 85, 95, 96. Province Laws, xii., 723, chap. 136.

## CHAPTER 88.

## ORDER ALLOWING £8. 2. 6 TO HOSEA BOLLES.

Legislative  
Records of the  
Council, xviii.,  
206.

House Jour-  
nal, pp. 88, 95.

A PETITION of Hosea Bolles of Rochester, Shewing that his Brother William Bolles, was taken sick, while in his Majesty's Service, & died, & that the Petitioner paid the charge of his Sickness, being Thirty pounds & sixpence, Praying that he may be reimbursed out of the publick Treasury.

Read &

*Ordered* that the Sum of Eight pounds two shillings & six pence, be allowed the Petitioner out of the publick Treasury. [Passed August 21.]

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## CHAPTER 89.

## ORDER FOR PAYING TO CPT JAMES NOBLE HIS WAGES AS PER MUSTER ROLL.

Legislative  
Records of the  
Council, xviii.,  
206.

House Jour-  
nal, p. 97.  
Province  
Laws, xiii.,  
465, chap. 1.

*Ordered* that the Committee of War be directed upon its appearing to them that the Soldiers under the Command of Capt. James Noble in the late Expidition ag<sup>st</sup> Louisburgh, are fully satisfyed & paid. That they pay the said Noble, the Wages that are due to him upon the Muster Roll. [Passed August 22.]

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## CHAPTER 90.

## ORDER ALLOWING £30 TO JOHN BEAMEN.

Legislative  
Records of the  
Council, xviii.,  
206.

House Jour-  
nal, pp. 90, 95.  
Province  
Laws, xiii.,  
685, chap. 274;  
712, chap. 352.

A PETITION of John Beamen of Northfield, Praying that he may be allowed the Premium for killing an Indian, at the time when he was taken & led into Captivity, the Scalp of which Indian has been laid before the Governour & Council, for a Proof of his being killed.

Read &

*Ordered* that the Sum of Thirty pounds be allowed & paid out of the publick Treasury to the Memorialist as a Mark of this Courts Approbation of his Bravery in defending himself, & Annoying the Enemy. [Passed August 22.]

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## CHAPTER 91.

Legislative  
Records of the  
Council, xviii.,  
207.

House Jour-  
nal, p. 98.  
*Ante*, p. 27,  
chap. 58; p. 97,  
chap. 86.

## ORDER DIRECTING THE PROVINCE TREASURER TO DELIVER 100 OZ OF SILVER TO COMMISSIONERS TO THE NEW YORK CONGRESS.

*Ordered* that the Treasurer be directed to deliver to the Commissioners to repair to New York, One hundred Ounces of Silver; such part thereof as shall not necessarily be expended to be returned into the Province Treasury. [Passed August 22.]

## CHAPTER 92.

## ORDER IMPOWERING JOSEPH &amp; PETER EPHRAIM, INDIANS, TO SELL LAND.

A PETITION of Joseph Ephraim & Peter Ephraim his Son of Natick Indians Shewing that by long Sickness in their Families, they have contracted considerable Debts, Praying that they may be allowed to sell ten Acres of their Land at Natick, that may be best spared to pay off said Debts.

Read &

*Ordered* that the Petitioners have liberty to sell so much of their Land, for the Purposes within mentioned, not exceeding the number of Acres within express'd, as the Gentlemen appointed by Law<sup>1</sup> to be Guardians of the Indians of Natick, shall judge to be absolutely necessary for that end. [Passed August 22.]

Legislative Records of the Council, xviii., 207.

Legislative Records of the Council, xviii., 43. House Journal, p. 197 (January, 1746); p. 97.

## CHAPTER 93.

## ORDER IMPOWERING JACOB CHALCOM, INDIAN, TO SELL LAND.

A PETITION of Jacob Chaleom of Natick Indian, Shewing that by Sickness in his Family, he has contracted considerable Debts, which he has no way to discharge but by selling some of his Land in Natick, Therefore Praying, for Liberty from this Court to sell said Land accordingly.

Read &

*Ordered* that the Petitioner have Liberty (with the Advice & Consent of the Guardians appointed by Law<sup>1</sup> over him) to sell so much of the Land as may be absolutely necessary for the Purposes mention'd. [Passed August 22.]

Legislative Records of the Council, xviii., 207.

House Journal, p. 197 (January, 1746); p. 98.

## CHAPTER 94.

## VOTE DIRECTING THE PAYMENT OF THE WAGES OF JOHN &amp; DANIEL SMEAD TO JOHN SMEAD.

Legislative Records of the Council, xviii., 208.

*Voted* that the Treasurer be directed to pay to John Smead the Wages that are due to his two Sons, John & Daniel Smead Deceased. [Passed August 24.]

House Journal, p. 97½.

<sup>1</sup> “This day [January 6, 1746.] being appointed for electing Guardians to the Indians in their several Plantations, the two Houses proceeded to the said Choice, And the following Persons were duly chosen, by the Major Vote of the Council and House of Representatives viz<sup>t</sup>

For Natick, Samuel Danforth, Joseph Richards, & John Jones Esqrs

For Stoughton, Andrew Oliver, Samuel Miller Esqrs & Capt. John Shepherd.

For Grafton & Dudley, John Chandler, Edward Baker & Sam<sup>l</sup> Liscomb Esqrs

For Yarmouth, Harwich & Eastham, Mr Samuel Knowles, Mr Jos. Freeman & Mr Miller.

For Mashpee, Barnstable, Sandwich & Falmouth, Sylvanus Bourne, Jas<sup>t</sup> Otis & David Crocker Esq<sup>s</sup>

For Plymouth, Pembroke & Middleboro', John Cushing & James Warren Esq<sup>s</sup> & Capt. Josiah Edson jun<sup>r</sup>

For Martha's Vineyard, Zaccheus Maheu John Sumner Esq<sup>s</sup> & Mr Hunt;

For Nantucket Mess. Abijah Folger, Daniel Bunker & Jonathan Coffin.” — Legislative Records of the Council, xviii., 43.

See also House Journal, Jan., 1746, pp. 197, 198.

## CHAPTER 95.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF JOHN FISHER, ESQ<sup>R</sup>, FOR A NEW TRIAL OF A CAUSE.

Legislative Records of the Council, xviii., 208. Mass. Archives, xviii., 355.

Mass. Archives, xviii., 334. House Jour. nal, p. 98.

A PETITION of John Fisher Esq<sup>r</sup> Shewing that he, as Guardian to John Gill & Israel Gill, Persons Non Compos, put some of their Lands into the hands of his Son Ebenezer Fisher, to be improved for their benefit, that the said Ebenezer Fisher was sued in Trespass, by one Cromvel Oliver (who claimed the said Land by vertue of a Deed from the said John & Israel Gill) at the Inferior Court of Common Pleas for the County of Suffolk; that the said Ebenezer vouched in the Petitioner, who demur'd upon Title, & became bound to prosecute the said Plea at the then next Inferior Court for said County; & on the first Tuesday of October last brought his Action, but by mistake the Clerk enter'd the Name of John Fisher, instead of Ebenezer Fisher, whereby the Suit was dismiss'd, & the Petitioners Bond, have been sued out; Therefore Praying that he may be enabled to enter the said Action, at the next Inferior Court for said County in the name of his Son Ebenezer, And that the Execution on said Bond may be stayed in the mean time.

Read and

*Ordered* that the Pet<sup>r</sup> serve the adverse Partie Cromwell Oliver with a copy of this Pet<sup>n</sup> that He shew Cause if any He hath on the first fryday of the next Sitting of this Court why the Prayer thereof should not be granted and Execution within mentioned is stayed in the mean time. [Passed August 24.]

## CHAPTER 96.

ORDER AND VOTE FOR AN ACC<sup>T</sup> OF THE ENLISTING MONEY FOR THE CANADA EXPIDITION.

Legislative Records of the Council, xviii., 213.

House Jour. nal, pp. 13, 101. Province Laws, xiii., 708, chap. 337.

*Ordered* that the Committee for paying out the Bounty Money for enlisting Men for the Expidition ag<sup>st</sup> Canada be directed to lay before the Court, as soon as may be the present state of that Affair, Also

*Voted* that they give an Accompt of their Proceedings upon the Vote of this Court, respecting this Matter on the eighteenth of April last. [Passed August 26.]

## CHAPTER 97.

## ORDER ALLOWING THE ACCT OF REPAIRS AT GOVERNOUR'S ISLAND.

Legislative Records of the Council, xviii., 214.

Legislative Records of the Council, xviii., 63. House

AN ACCOMPT of the Charge of erecting & building the Works at Governours Island Ballance whereof is £891. 7. 6 due from the Province.

Read &

*Ordered* that this Accompt be allowed & that the Sum of Eight

hundred ninety one pounds, seven shillings & six pence, be allowed out of the publick Treasury to discharge the Ballance of the within Accompt. [Passed August 26.]

Journal, p. 101.  
Province Laws, xiii., 401,  
chap. 102.

## CHAPTER 98.

### VOTE CONTINUING CERTAIN CASES IN COURTS IN HAMPSHIRE COUNTY.

WHEREAS the Inferior Court of Common Pleas, which was to have been holden at Northampton for the County of Hampshire on the second Tuesday of February last, fell through, there not being a Quorum of Justices present; And sundry Cases being continued to [the]<sup>1</sup> s<sup>d</sup> Court from the Inferior Court of Common Pleas held at said Northampton for the County of Hampshire on the second Tuesday of November last, in which Causes Judgment has been given, so that new Suits cannot be commenced;

Therefore

Legislative Records of the Council, xviii., 214.

House Journal, pp. 101, 102.  
Province Laws, iii., 64,  
chap. 32.

Voted that the Plaintiffs in said continuall Actions have Liberty to enter the said Actions at the Inferior Court of Common Pleas to be holden by Adjournment on the second Tuesday of September next for said County of Hampshire, & that the said Court be impower'd to proceed to final Judgm<sup>t</sup> & Execution in said Causes upon the Defendants by themselves or their respective Attorneys appearing & answering to the same, as fully to all Intents as they might have done at said Inferior Court which was to have been holden on said second Tuesday of February last, had there been a Quorum of Justices then present: But if the Defendants should not voluntarily appear & answer as aforesaid, then the Justices aforesaid have full Power & are hereby authoriz'd to continue the said Causes to the next inferior Court of Common Pleas to be holden for said County of Hampshire at Northampton on the second Tuesday in November next; & on the Plaintiff's giving proper Notice to the Defendants by a Writ from the Clerk's Office of said Inferior Court full forteen days before the sitting thereof, to appear & answer thereto, the Plaintiff shall have the same benefit of proceeding in their respective Causes at the said Court, as they might have had, at the said Inferior Court which ought to have been holden as aforesaid, on the second Tuesday of February last, had there been a Quorum of Justices present. [Passed August 26.]

## CHAPTER 99.

### ORDER REFERRING THE PETITION OF THE NORTH YARMOUTH PROPRIETORS IN REGARD TO A TAX.

A PETITION of John Hill & Jeremiah Powell Esq<sup>rs</sup> a Committee for the Proprietors of North Yarmouth, Shewing that the said Proprietors are in considerable Arrears for building the Meeting House & other Charges; And therefore Praying that they may be impower'd to assess and levy a Tax of One farthing per Acre an-

Legislative Records of the Council, xviii., 215.

House Journal, p. 57½.

<sup>1</sup> Inserted from Legislative Records of the Council, xvii. (5), 1034.

nually for three years, on all the appropriated Land in said Town for defraying the said Charges.

Read &

*Ordered* that the Petitioners insert the Substance of this Petition in the Boston Gazette three weeks successively, that any of the Proprietors may if they see cause, object against the Prayer thereof, on the first Fryday of the next Sitting of this Court, to w<sup>ch</sup> time the Consideration of this Petition is refer'd. [Passed August 26.]

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## CHAPTER 100.

### ORDER ALLOWING £6 TO PATRICK BURN.

Legislative  
Records of the  
Council, xviii.,  
215.

House Jour-  
nal, pp. 85, 102.  
Province  
Laws, xiii., 465,  
chap. 1; 633,  
chap. 134.

A PETITION of Patrick Burn of Wenham a Soldier in the late Expidition, Praying for some further Allowance for his Wounds, whereby he is utterly disabled from labouring for his Support.

Read &

*Ordered* that the Sum of Six pounds be put into the hands of the Select Men of Wenham or their Order by the Committee of War for the relief of the Petitioner. [Passed August 27.]

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## CHAPTER 101.

### ORDER IMPOWERING BENJ<sup>A</sup> WISER, INDIAN, TO SELL LAND.

Legislative  
Records of the  
Council, xviii.,  
216.

Legislative  
Records of the  
Council, xviii.,  
43. House  
Journal, p. 197  
(January  
1746); p. 106.

A PETITION of Benjamin Wiser of Worcester, Indian, Praying that he may have Liberty to sell twelve Acres of Land in Natick for discharge of the Debts, he has contracted in purchasing Land & building at Worcester & settling himself there.

Read &

*Ordered* that the Petitioner have Liberty with the Advice & Assistance of the Guardians by Law appointed over the Natick Indians, to sell the Land within mentioned for the purposes therein expressed. [Passed August 27.]

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## CHAPTER 102.

### ORDER IN REGARD TO AN EXPIDITION AG<sup>ST</sup> THE INDIANS.

Legislative  
Records of the  
Council, xviii.,  
220.

House Jour-  
nal, p. 112.  
*Ante*, p. 685,  
chap. 274.

A STATE of the Forces in the County of York, presented by Brigadier General Waldo, with a Proposal of a March with part of them to Penobscot.

Read &

*Ordered* that the Expidition within mentioned, be so far encouraged, as that ten Whale boats, be procured at the Charge of the Province, & deliver'd to Brigadier Waldo or Order for the Use of the said Forces; The Charge of the said Whaleboats to be deducted out of the Bounty granted on Scalps or Captives, if any should be taken, If not, that said Whale boats be carefully preserved for the Use of the Province. [Passed September 2.]

## CHAPTER 103.

ORDER IMPOWERING THE GUARDIANS OF THE CHILDREN OF THE  
LATE ICHABOD WADE, TO SELL REAL ESTATE.

A PETITION of Hannah Wade one of the Daughters of Ichabod Wade late of Bridgewater dec<sup>d</sup> with the Guardians of the others, Shewing that whereas the Personal Estate is not sufficient to pay the Debts, the Selling of a part only will be greatly to the Disadvantage of the Heirs, Therefore Praying that they may be impowered to sell the whole real Estate.

Read &

*Ordered* that the Guardians within named be & they hereby are fully impower'd to sell the Estate within mentioned, they giving sufficient Security to the Judge of Probate for the County of Plymouth, that they will improve the Proceeds of said Sale for the Benefit of the Minors & render him an Accomp<sup>t</sup> thereof. [Passed September 2.

Legislative Records of the Council, xviii., 220.

House Jour.  
nal, pp. 103, 106.

## CHAPTER 104.

ORDER IMPOWERING THE AGENTS FOR THE NORTH PRECINCT IN  
EASTHAM TO GIVE CERTIFICATES OF FREEDOM FROM SMALL POX.

A PETITION of Zoheth Smith & Elisha Holbrook, Agents for the North Precinct in Eastham, Shewing that by means of the Small Pox, being brought in among them, a great number of the People are dead & the Inhabitants exceedingly impoverish'd; And therefore Praying that they may be exempted from paying any part of the Province Tax; & that some fit Persons may be appointed, to give to the Masters of such Vessels trading there as may be free of Infection Certificates thereof, to prevent the Infection being carried to other Places.

Read and

*Ordered* that Mr Isaiah Lewis Cap<sup>t</sup> Elisha Doane and Mr Edward Righley Inhabitants of the Precinct abovementioned be authorized and impowered to give Certificates as occasion may require to any Person or Persons Inhabitants of the Town of Eastham s<sup>d</sup> Town being now visited with the Small Pox; that they their Cloaths Vessells and Cargoes are free from the Infection. And that His Excellency be desired to give Order upon such Certificate being produced at Castle William to the Commanding Officer: to Suffer such Vessells to Pass. [Passed September 2.

Legislative Records of the Council, xviii., 221. Mass. Archives, cxv., 234.

Mass.  
Archives, cxv.,  
233. House  
Journal,  
pp. 110, 112.

## CHAPTER 105.

ORDER IMPOWERING THE COMMISSARY GENERAL TO CHARTER A  
SLOOP FOR TRANSPORTATION OF WHALEBOATS.

*Ordered* that the Commissary General be directed to agree with Cpt. Benjamin Waite for the Hire of his Sloop to Nantucket, & the Time he necessarily lies there at fifty shillings p Diem & from

Legislative Records of the Council, xviii., 222.

House Journal, p. 112.

thence to [Falmouth in]<sup>1</sup> Casco Bay at Five pounds the run, in consideration of the said Wait's transporting Eight Whale boats from said Nantucket to said Falmouth. [Passed September 3.]

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## CHAPTER 106.

### ORDER DIRECTING THE COMMISSARY GENERAL TO DELIVER A FIRE-LOCK TO ROBT ADAMS.

Legislative Records of the Council, xviii., 222.

House Journal, pp. 98½, 112.

A PETITION of Robert Adams of Sheepscot, Shewing that he was taken Prisoner by the Indian Enemy, while in the Service of the Province, Praying that he may be allowed his Wages during the Time of his Captivity, & be paid for a Firelock he then lost.

Read & In Answer,

*Ordered* that the Commissary General be directed to deliver out of the Province Stores a good Firelock, in lieu of that taken as above mentioned. [Passed September 3.]

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## CHAPTER 107.

### VOTE ACCEPTING THE REPORT OF THE COM<sup>TE</sup> IN REGARD TO FARMING OF EXCISE IN BRISTOL COUNTY.

Legislative Records of the Council, xviii., 222.

House Journal, p. 51.  
Ante, p. 25,  
chap. 51.

THE COMMITTEE appointed to let to farm the Excise in Bristol County gave in the following report; viz<sup>1</sup>

The Committee who were appointed to farm the Excise of Liquors, Limes & Lemons for the County of Bristol from the 11<sup>th</sup> Day of September 1746 to the 29<sup>th</sup> Day of June 1748, have farmed the said Excise to Samuel White Esq<sup>r</sup> for One hundred & forty one pounds seventeen shillings & seven pence in Bills of the last Emission, & taken Bond with two Sureties for the Payment thereof to William Foye Esq<sup>r</sup> the Province Treasurer or his Successor in said Office September 1. 1747 Sign'd

GEORGE LEONARD,  
EPHRA<sup>A</sup> LEONARD,  
JAMES WILLIAMS.

Read & Accepted.<sup>2</sup> [Passed September 3.]

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## CHAPTER 108.

### ORDER IMPOWERING SAM<sup>L</sup> BURNELL TO ENTER AN ACTION.

Legislative Records of the Council, xviii., 219, 223.

House Journal, pp. 109, 110,  
113½.

A PETITION of Samuel Burnell of Boston Cooper, Shewing that at the Inferior Court for the County of Suffolk held in July last, Judgments were obtained against him in two Actions, one prosecuted against him by Joseph Gunnison & the other by the said Gunnison & Elizabeth Ruby; From both w<sup>ch</sup> he appealed to the Superior Court now Sitting in Boston, & recognized to prosecute his Appeals; but he being confined to Goal in the beginning of the Court, depended

<sup>1</sup> Inserted from Legislative Records of the Council, xvii. (5), 1048.

<sup>2</sup> The concluding action on this chapter is not found in the House Journal.

upon his Attorney to enter his Appeals, w<sup>ch</sup> he forgot [or neglected]<sup>1</sup> to do; Therefore Praying that he may be now enabled to enter his Appeals & the Court impower'd & directed to try them.

Read together with the Answer of Benjamin Kent Attorney to the within named Joseph Gunnison & Elizabeth Rnby, And the Matter being fully consider'd

*Ordered* that the Prayer of the Petition be so far granted, as that the Petitioner (upon his paying the Costs hitherto sustained) be allowed to enter the Action of Accomp<sup>t</sup>, at the Superior Court now Sitting; And that the Justices of the said Court be & hereby are impower'd [and directed]<sup>2</sup> to hear & try the said Cause, enter up Judgment & award Execution accordingly. [Passed September 4.

## CHAPTER 109.

### VOTE IN REGARD TO REPAIRS AT CASTLE WILLIAM.

*Voted* that his Excellency the Captain General be desired to give Orders to the Committee for effecting the repairs at Castle William that the Glacis of the new Battery be compleated & the Top of the Wall be either Sodded or Shingled as soon as may be, & that Provision be made in the next Supply Bill for the Paym<sup>t</sup> of such repairs. [Passed September 12.

Legislative Records of the Council, xviii., 229.

House Journal, pp. 109, 120. Province Laws, xiii., 109, chap. 230.

## CHAPTER 110.

### RESOLVE IN REGARD TO THE POWERS OF THE COMMISSIONERS TO NEW YORK.

*Resolved* that as the Commissioners now at New York, are by their Instructions fully impower'd to afford all necessary Aid & Assistance to the Indians of the Six Nations & others our Allies; And the Proportion of this Governm<sup>t</sup>s Part of the Charge is left to the Discretion of said Commissioners, Nothing further is necessary to be done by this Court, upon the Subject Matter of said Letters at this time. [Passed September 12.

Legislative Records of the Council, xviii., 229.

House Journal, p. 121. Ante, p. 27, chap. 68; p. 37, chap. 86.

## CHAPTER 111.

### VOTE CONTINUING THE ESTABLISHMENT OF THE WAGES FOR THE MASSACHUSETTS FRIGATE.

Legislative Records of the Council, xviii., 229.

*Voted* that the Wages of the Captain of the Massachusetts Frigate, the Gunner, the Boatswain & three Seamen be continu'd after the Expiration of the present Establishm<sup>t</sup> till the first day of March next. [Passed September 12.

House Journal, p. 119. Ante, p. 31, chap. 68.

<sup>1</sup> Inserted from Legislative Records of the Council, xvii. (5), 1043.

<sup>2</sup> Inserted from Legislative Records of the Council, xvii. (5), 1050.

## CHAPTER 112.

## ORDER ALLOWING £100 FOR THE REPAIRS AT CASTLE WILLIAM.

Legislative  
Records of the  
Council, xviii.,  
229.

House Jour-  
nal, p. 121.  
Province  
Laws, iii., 357,  
chap. 2.  
*Ante*, p. 45,  
chap. 109.

*Ordered* that the Sum of One hundred pounds be granted out of the publick Treasury & put into the hands of the Committee to effect the repairs of Castle William [in order]<sup>1</sup> to compleat the Glacis of the new Battery & to sod or shingle the Top of the Wall agreeable to the Vote of Yesterday; Said Sum to be taken out of the Appropriation for Grants; The said Committee to be accountable. [Passed September 12.<sup>2</sup>

## CHAPTER 113.

## ORDER GRANTING LICENCE TO RETAIL STRONG DRINK TO JOHNSON JACKSON.

Legislative  
Records of the  
Council, xviii.,  
230.

House Jour-  
nal, p. 123.

A PETITION of Johnson Jackson shewing that for divers Years past he has been allowed to retail strong Drink in the Town of Boston, & was approbated by the Select men of the said Town for the present Year, but at the Time of taking out Licencies from the Court of General Sessions of the Peace for the County of Suffolk he was hindred by Sickness from taking out his Licence; And therefore praying that the Justices of the said Court may be directed to renew his Licence at their next Term.

Read &

*Ordered* that the Justices of the General Sessions of the Peace for the County of Suffolk, be & they hereby are allowed & impowered to grant the Petitioner a Licence at their next Session, The time for granting Licencies being elapsed Notwithstanding. [Passed September 30.]

## CHAPTER 114.

## ORDER IMPOWERING THE COMMISSARY GENERAL TO SUE DELINQUENT TRUCK MASTERS.

Legislative  
Records of the  
Council, xviii.,  
230.

House Jour-  
nal, p. 124.  
Province  
Laws, xiii., 529,  
chap. 165.

WHEREAS Notwithstanding the Order of this Court pass'd the fifteenth of January 1745, on the Commissary General's Accompt of the Indian Truck Trade, "That he take the most effectual Measures for recovering from the Truck Masters, or their Bonds men the several Sums due from them to prevent any Loss or Damage that may otherwise accrue to the Province" there still remains large Sums due to the Province from several of the Truck Masters;

*Ordered* that the Commissary General do without Delay put in Suit the Bonds of the said defective Truck Masters in his hands in Order to bring them to accompt, & recover what Sums they do severally owe to the Province on the said Account. [Passed September 30.]

<sup>1</sup> Inserted from Legislative Records of the Council, xvii. (5), 1061.

<sup>2</sup> Adjourned to September 30. See Legislative Records of the Council, xviii., 229.

## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE FOURTEENTH DAY OF OCTOBER, A.D. 1747.

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### CHAPTER 115.

#### ORDER FOR ADJOURNING THE COURTS OF BARNSTABLE COUNTY.

WHEREAS a time for holding a Court of General Sessions of the Peace, & Inferior Court of Common Pleas at Barnstable within & for the County of Barnstable, is by Law establish'd to be on the third Tuesday of October Currant, & many Members of the General Court being under Obligations to give their Attendance at said Court of General Sessions of the Peace & Inferior Court of Common Pleas, which renders it inconvenient for the beforemention'd Courts to sit as aforesaid; Therefore,

*Ordered* that the said Court of General Sessions of the Peace & Inferior Court of Common Pleas, be adjourned to the third Tuesday of November next, And all Officers & Persons concerned in said Courts, are ordered to conform themselves to that time; And all Writs, Pleas & Processes whatsoever are to be heard adjudged & determin'd at that time, as fully to all Intents & Purposes, as if the said Courts were held on the third Tuesday of October before mentioned.

[*Passed October 14.*

Legislative  
Records of the  
Council, xviii.,  
233.

House Jour-  
nal, pp. 126, 127.  
Province  
Laws, iii., 64,  
chap. 32.

### CHAPTER 116.

#### ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF JACOB WYLEY TO REVIEW AN ACTION.

A PETITION of Jacob Wyley of Woodstock, Praying for Liberty of reviewing at the next Superior Court to be holden for the County of Suffolk an Action commenced against him by John Woodhouse, which went against him by Default, by reason of his depending upon the Promise of the Plaintiff to make up the Matter in difference, & that Execution may be stay'd.

Read &

*Ordered* that the Petitioner serve the Attorney of the said John Woodhouse, with a Copy of this Petition that he shew cause if any he hath, upon Tuesday the twentieth Currant why the Prayer thereof should not be granted; & that Execution herein mentioned is stayed in the mean time. [*Passed October 15.*

Legislative  
Records of the  
Council, xviii.,  
234.

House Jour-  
nal, p. 127.

## CHAPTER 117.

## ORDER DIRECTING PAYMENT OF THE WAGES OF SETH PUTNAM TO HIS FATHER.

Legislative  
Records of the  
Council, xviii.,  
235.

House Jour-  
nal, p. 128.

*Ordered* that the Treasurer be directed to pay to Seth Putnam the Wages that are due to his Son Seth Putnam Dec<sup>d</sup> upon the Muster Roll of Capt Josiah Willard; And that the said Seth the Father be accountable to any Person that may be appointed Administrator upon the Estate of the said Deceased. [Passed October 16.]

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## CHAPTER 118.

## ORDER DIRECTING THE PAYMENT OF WAGES DUE MOSES HALL &amp; DANIEL BARKER.

Legislative  
Records of the  
Council, xviii.,  
235.

House Jour-  
nal, p. 130.

*Ordered* that the Treasurer be directed to pay to Mr Hardy the Wages due to Moses Hall & Daniel Barker, being Nineteen shillings & two pence to each of them, they being omitted in Cpt. Jordan's second Muster Roll. [Passed October 16.]

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## CHAPTER 119.

ORDER ALLOWING £3 TO TIM<sup>O</sup> BARRON.

Legislative  
Records of the  
Council, xviii.,  
235.

House Jour-  
nal, p. 130.

Province  
Laws, xiii., 657,  
chap. 187; 465,  
chap. 1.

A PETITION of Timothy Barron, a Soldier in the late Expidition ag<sup>st</sup> Cape Breton, Shewing that he is still disabled from Labour by Lameness contracted in the said Service, Therefore Praying for some further Allowance Read &

*Ordered* that the Committee of War pay into the Hands of Capt. Chamberlain the sum of Three Pounds for the use of the Petitioner, to be deliver'd him as said Chamberlain shall judge convenient. [Passed October 16.]

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## CHAPTER 120.

## ORDER ALLOWING £3 TO JAMES PEIRCE.

Legislative  
Records of the  
Council, xviii.,  
236.

House Jour-  
nal, pp. 128, 129.

Province  
Laws, xiii., 465,  
chap. 1; 653,  
chap. 176.

A PETITION of James Peirce, a Soldier in the late Expidition against Cape Breton, Shewing that he is still disabled from Labour, by Lameness he contracted in that Service & Praying for further Allowance.

Read &

*Ordered* that the Sum of Three Pounds, be allowed by the Committee of War to be put into the Hands of Capt. Gardner for the Use of the Petitioner. [Passed October 16.]

## CHAPTER 121.

ORDER ALLOWING £4 TO ALEX<sup>R</sup> TARRANT.

A PETITION of Alexander Terrant, a Soldier in the late Expedition against Cape Breton, Shewing that he is still disabled from Labour by the Wounds he received in that Service, & Praying for some further Allowance.

Read &

*Ordered* that the Sum of Four pounds be allowed the Petitioner by the Committee of War in full for his Sufferings herein mention'd. [Passed October 16.]

Legislative Records of the Council, xviii., 236.

House Journal, p. 129.  
Province Laws, xiii., 465,  
chap. 1, 623,  
chap. 90.

## CHAPTER 122.

ORDER ALLOWING THE ACCT<sup>T</sup> OF THE TREASURER OF PLYMOUTH CO.

AN ACCOMPT presented by Edw<sup>d</sup> Winslow Esq<sup>r</sup> Treasurer of the County of Plymouth for the year 1746, Having been presented by him to the Court of General Sessions of the Peace for said County & by them allowed;

Read &

*Ordered* that this Accomp<sup>t</sup> be allowed & that the Ballance thereof being Fifteen pounds nine shillings & nine pence half penny the said Treasurer be further accountable to said County for. [Passed October 16.]

Legislative Records of the Council, xviii., 236.

House Journal, pp. 13, 123, 128.

## CHAPTER 123.

ORDER GRANTING THE PETITION OF ROB<sup>T</sup> BALL FOR A NEW MOORING AT THE LIGHT HOUSE.

A PETITION of Robert Ball, Keeper of the Lighthouse, Shewing that he stands in need of an Anchor & Mooring for the Boat, belonging to the said Light House, Praying that he may be furnish'd with them.

In the House of Rep<sup>ves</sup>

Read and

*Ordered* that M<sup>r</sup> Hubbard and M<sup>r</sup> Russell with such as the Hon<sup>ble</sup> Board shall Joyn Provide at the publick Charge a New mooring for the Use of the within mentioned Boat.

In Council Read and Concurred and Jacob Wendell Esq<sup>r</sup> is join'd in the affair. [Passed October 16.<sup>1</sup>]

Legislative Records of the Council, xviii., 241. Mass. Archives, lxiv., 276.

Mass. Archives, lxiv., 275.  
House Journal, pp. 128, 130.

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is October 20.

## CHAPTER 124.

Legislative  
Records of the  
Council, xviii.,  
236.

VOTE ALLOWING PAY AND SUBSISTENCE FOR 12 MEN AT RICHMOND FORT.

House Jour-  
nal, p. 130.  
Province  
Laws, iii., 370,  
chap. 9.

*Voted* that Pay & Subsistence be allowed to twelve Centinels at Fort Richmond from Nov<sup>r</sup> 20. 1746 to Nov<sup>r</sup> 20 1747, over & above the Establishm<sup>t</sup> of Twelve Men allowed in the Act for establishing the Wages of sundry Persons in the Service of the Province, pass'd September 2. 1747. [Passed October 17.]

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## CHAPTER 125.

ORDER IMPOWERING EUNICE NEWELL, EXECUTRIX, TO SELL REAL ESTATE.

Legislative  
Records of the  
Council, xviii.,  
237.

Mass.  
Archives,  
xviii., 256.  
House Jour-  
nal, p. 162  
(February,  
1743); pp. 130,  
131.

A PETITION of Eunice Newell Widow, & Executrix of the last Will & Testament of Cpt. Andrew Newell dec<sup>d</sup> Shewing that by reason of a Mistake in her former Petition to this Court,<sup>1</sup> for Liberty to sell the Deceased's real Estate, for the Payment of his Debts, & some Defect in the Order thereon, She lost the Benifit of it; And therefore Praying that She may be now fully impower'd to sell what may be necessary of said Estate for that Purpose.

Read &

*Ordered* that the Prayer of the Petition be granted, & that the Petitioner be & She is hereby authoriz'd, in her Capacity of Executrix, of the last Will & Testament of the said Deceased, to sell (to the best Advantage that may be) in consequence of the publick Notice thereof already given, so much of his real Estate (as can be spared with the least Prejudice to the whole) as may be necessary to discharge his just Debts, & to execute a good & Sufficient Deed or Deeds of Conveyance of the same, Any Mistake in her former Petition or the Order thereon notwithstanding; provided before any such Sale be made, the Petitioner give sufficient Caution to the Judge of Probate for the County of Middlesex to be accountable for the Produce of the Premises, & to dispose thereof as the Law directs. [Passed October 17.]

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## CHAPTER 126.

VOTE FOR THE ESTABLISHM<sup>T</sup> OF THE FORCES ON THE FRONTIERS.

Legislative  
Records of the  
Council, xviii.,  
239.

House Jour-  
nal, p. 131.  
*Ante*, p. 16,  
chap. 27; p. 19,  
chap. 36.

*Voted* that the Establishment for the Pay & Subsistence of the Forces on the Eastern & Western Frontiers, w<sup>ch</sup> expired the fifteenth Instant be further continued to the twenty sixth Instant; And that after the said Twenty sixth Instant there be granted & allowed Pay and Subsistence according to the latest Rates to Four hundred & eighty nine Men only to the first day of March next; And that his Excellency the Captain General be desired to give Orders for

<sup>1</sup> The Mass. Archives record reads that she petitioned "the Superior Court" instead of "this court."

the Reduction of the said Forces, to the Number of Four hundred & eighty nine accordingly; and that new Men be enlisted or impress'd in the room of all such as have been in the Service above twelve Months & desire to be dismiss'd; And that his Excellency be also desired to give Order, that the said Forces be posted in the following manner viz. for garrisoning of the Fort & Blockhouse at St Georges Seventy Men, at Pemaquid twenty four men; At Richmond Fort, twenty four Men; At Fort George in Brunswick twelve Men; At the Truckhouse on Saco River twelve Men; & for guarding the most exposed parts of the Towns & Settlements from Salmon Falls to Damaras Cotta River, Two hundred six Men, including eight Inhabitants of Philips Town seven of Gorham Town, & nine of New Marblehead: And that the Garrison at Fort Massachusetts, consist of Thirty Men, the three Blockhouses in the Line next the Eastward thereof, fifteen each; Number four Thirty men; Ashuelets Fifteen Men, & also twenty one poor Inhabitants to serve by Turns, as has been heretofore Ordered by the Court; Viz Inhabitants of Fall Town Six; Colrain Ten; Pagoig, five; And that the Government of Connecticut be desired to send Fifty Men to Deerfeild & Northfeild for the Security of those Towns this Winter. [Passed October 20.

## CHAPTER 127.

### ORDER ALLOWING £1. 1. 6 TO DR JOHN RUSSELL.

A MEMORIAL of Docter John Russel, Praying that his Charge [be allowed] of Medecines & Attendance on an Indian Soldier in the late Expedition against Cape Breton, named Francis, wounded in said Service.

Read &

*Ordered* that the Prayer of the Petition be granted, And the Committee of War are directed to pay the Memorialist the Sum of One Pounds one shilling & six pence accordingly. [Passed October 20.

Legislative Records of the Council, xviii., 240.

House Journal, p. 134.  
Province Laws, xiii., 465, chap. 1.

## CHAPTER 128.

### ORDER IMPOWERING THE NO<sup>o</sup> YARMOUTH PROPRIETORS TO LEVY A TAX OF ONE FARTHING PER ACRE ON LAND.

ON THE PETITION of the Proprietors of North Yarmouth [*ante*, p. 41, chap. 99]

*Ordered* that the Prayer of the Petition be granted, & the Assessors of the Town of North Yarmouth are hereby impower'd to impose a Tax of one farthing per Acre annually for three years next ensuing, on all the Appropriated Lands in the Township of North Yarmouth, except those Lands appropriated since May 15. 1742, accordingly. [Passed October 20.

Legislative Records of the Council, xviii., 240.

House Journal, p. 130.  
*Ante*, p. 41, chap. 99.

## CHAPTER 129.

## ORDER GRANTING TO JONAS ADAMS A LICENCE TO KEEP AN INN.

Legislative  
Records of the  
Council, xviii.,  
240.

House Jour-  
nal, p. 135.

A PETITION of Jonas Adams of Salem, Shewing that he has obtain'd the Approbation of the Select Men of said Town for his keeping a Tavern there & therefore Praying that this Court would impower the Court of General Sessions of the Peace for the County of Essex to grant him a Licence at their next Term.

Read &

*Ordered* that the Justices of the General Sessions of the Peace for the County of Essex be allowed at their next Session, if they see cause to grant the Petitioner a Licence, the Time for granting Licences being elapsed notwithstanding. [Passed October 20.]

## CHAPTER 130.

## ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE AFFAIR OF THE MASHPEE INDIANS.

Legislative  
Records of the  
Council, xviii.,  
236, 242.

Legislative  
Records of the  
Council, xviii.,  
237. House  
Journal,  
pp. 131, 135.

A PETITION of Joseph Waampton & others Indians of Mashpee, Praying that this Court would order Solomon Briant, their Minister may be allowed still to improve those Lands in Mashpee, which have been under his Improvement, so long as he shall continue to be their Minister.

[Read and referred to a committee]

The Committee appointed to consider the Petitions of the Mashpee Indians & their Complaints agst the Conduct of their Guardians in leasing out their Lands, have heard the said Guardians & Solomon Briant, Agent for said Indians, & are of Opinion that their Complaint be dismiss'd as Groundless. And further report that in answer to the other Petition of a smaller number of said Indians in behalf of their Minister, It be recommended to said Guardians, to sett off some reasonable Share of the Indian Lands to Solomon Briant, their Minister, for his own Improvement or allow him the Incomes of such Share, Provided that a Major Part of the Proprietors regularly assembled shall pass a Vote for that purpose; Which is humbly submitted. per Order

JOSEPH WILDER

Read &

*Ordered* that this report be Accepted. [Passed October 20.]

## CHAPTER 131.

## ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE GRIEVANCES OF THE GAY HEAD INDIANS.

Legislative  
Records of the  
Council, xviii.,  
241, 243.

A PETITION of Joseph Powit, & others Indians of Gayhead in Martha's Vineyard, Complaining against William Hunt (one of their Guardians) & others, for taking from them the Improvemt

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is October 21.

of their Lands & other Abuses offer'd them, Praying for Redress Legislative Records of the Council, xviii., 43. House Journal, pp. 131, 135.

The Committee appointed to consider the Petition of a number of Indians belonging to Martha's Vineyard, Complaining of the hard Measures that they meet with from their Guardians, are humbly of Opinion that the said Guardians be served with a Copy of the said Petition & required to send an Answer in writing together with an Account of their Proceedings in said Trust, for the Consideration of the Court at their next Sitting: And that in the mean time, they be directed to forbear making any Leases of the Indian Lands.

Which is humbly submitted per Order  
JOSEPH WILDER

Read &  
*Order'd* that this report be Accepted. [Passed October 20.<sup>1</sup>

## CHAPTER 132.

VOTE APPOINTING ABRAHAM BELKNAP DOORKEEPER PRO TEMPORE.

*Voted* that M<sup>r</sup> Abraham Belknap be appointed Door Keeper to his Excellency the Goverour & this Court during the Indisposition of M<sup>r</sup> Richard Hubbard. [Passed October 21.

Legislative Records of the Council, xviii., 242.

House Journal, p. 137.

## CHAPTER 133.

ORDER ON NANTUCKET INDIANS GRIEVANCES.

A COMPLAINT of divers Indians of Nantucket against the English Inhabitants there, for unjustly taking their Land from them, & hindering them from planting & feeding on it, Praying for relief.

[Read and]

*Ordered* that the Committee appointed in March last above refer'd to, be, & hereby are directed to repair to Nantucket as soon as they conveniently can & inquire into the Matters of Grievance complained of by the Indians & report the true State of those Affairs.<sup>2</sup> [Passed October 21.

Legislative Records of the Council, xviii., 211. Mass. Archives, xxxi., 531.

Legislative Records of the Council, xviii., 89, 213, 242. House Journal, pp. 89, 138. Province Laws, xiii., 689, chap. 283.

## CHAPTER 134.

ORDER WITH STAY OF EXECUTION IMPOWERING THOS<sup>8</sup> FRENCH TO PROSECUTE AN APPEAL.

A PETITION of Thomas French of Braintree, Complaining of the Proceedings of Hugh Hall Esq<sup>r</sup> one of his Majesty's Justices of the Peace for the County of Suffolk in an Action brought against him by William Pennyman & particularly in his denying him an Appeal from his Judgment, Praying that he may be allowed to prosecute his Appeal & Execution be stayed in the mean time.

Legislative Records of the Council, xviii., 228. Mass. Archives, xlii., 467.

Mass. Archives, xlii., 466. House

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is October 21.

<sup>2</sup> The House Journal, p. 138, adds after the word affairs, "to this Court."

*Journal*, pp. 99,  
100, 117, 121, 141,  
142.

Read & it appearing that the adverse Party has been serv'd with a Copy of this Pet<sup>n</sup> but no Answer given in,

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted, And the Pet<sup>r</sup> is hereby allowed to prosecute his Appeal from the Jndgm<sup>t</sup> within mention'd at the next Infr Court of Common Pleas to be holden for the County of Snffolk in January next, the not entring into Recognizance according to Law notwithstanding, And Execution mention'd is staid in the mean time; The Pet<sup>r</sup> to notify the adverse Party fourteen days at least before the Sitting of S<sup>d</sup> Court. [Passed October 22.]

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## CHAPTER 135.

### ORDER ALLOWING £4 TO JOHN MCFARLAIN.

*Legislative Records of the Council, xviii., 244.  
House Journal, pp. 134, 135.*

A PETITION of John Macfarlain of Pemaquid, Praying for some Consideration for his being wounded by the Indian Enemy, whilst he was in the publick Service, whereby he is disabled from labouring for his Snpprt.

Read &

*Ordered* that the Treasurer be directed to pay the Petitioner Four pounds out of the publick Treasury in consideration of his Sufferings herein mentioned. [Passed October 22.]

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## CHAPTER 136.

### ORDER ALLOWING £3 TO W<sup>M</sup> STEVENS.

*Legislative Records of the Council, xviii., 244.  
House Journal, pp. 138, 141.*

A PETITION of William Stevens, a Soldier in the Service of this Government, Praying for some Allowance out of the publick Treasury, in consideration of a Wound he accidentally receiv'd in cutting Wood &c.

Read &

*Ordered* that the Petitioner be allowed Three pounds out of the publick Treasury in consideration of his Sufferings abovemention'd. [Passed October 22.]

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## CHAPTER 137.

### ORDER ERECTING DIVERS OF THE INHABITANTS OF ROCHESTER, MIDDLEBORO' DARTMOUTH & TIVERTON AND THEIR ESTATES INTO A SEPARATE PRECINCT.

*Legislative Records of the Council, xviii., 212, 244.  
Legislative Records of the Council, xviii., 240, 241. House Journal, pp. 97½, 134, 143.*

A PETITION of Joseph Ashley & forty five others, Inhabitants of the Towns of Rochester, Middleboro', Dartmouth & Tiverton, Setting forth the Inconveniences they are under in attending upon the publick Worship in the several Towns to which they belong, And Praying that they & their Families & Estates may be erected into a separete Preeinct with others in said Towns, that may be willing to join with them within five years.

Read &

*Ordered* that this report be Accepted, & that all the Petitioners,

(except William Ashley, Stephen Andros & John Burden belonging to the Town of Freetown) with their Families & Estates together with such others of the first Parish in Rochester & the Town of Dartmouth, as shall in the space of twelve Months from this time, join with them, & return a List of their Names into the Secretary's Office within that Term, be and hereby are made a distinct & separate Precinct or Parish accordingly, & vested with such Powers & Privileges as other Precincts or Parishes within this Province do or by Law ought to enjoy: Provided the whole included in the said first Parish in Rochester do not exceed a fourth Part of the rateable Estate of said Parish. [Passed October 23.]

## CHAPTER 138.

### ORDER OF NOTICE WITH STAY OF PROCEEDINGS ON THE PETITION OF GOV<sup>R</sup> BELCHER FOR A CHANGE OF VENUE IN A TRIAL OF TITLE TO LAND.

A PETITION of Jonathan Belcher Esq<sup>r</sup> Governour of New Jersey, Shewing that he has an Action depending in the Superior Court to be held at Taunton in the County of Bristol, between him & one Samuel<sup>1</sup> Peirce, in the Event of which Action almost all the Inhabitants of the said County are in some respect or other interested; And therefore Praying that the said Action may be removed to some other County in this Province.

Legislative Records of the Council, xviii., 245. Mass. Archives, xlii., 477.

Mass. Archives, xlii., 475. House Journal, p. 142.

Read &

*Ordered* that the Pet<sup>r</sup> serve the adverse Party the within named Samuel Pierce with a Copy of this Petition that He shew Cause if any he hath on the first Thursday of the next Sitting of this Court, why the Prayer thereof should not be granted. And the Tryal of the Cause withinmention'd is stayed in the mean Time. [Passed October 23.]

## CHAPTER 139.

### ORDER APPOINTING JOHN STEEL JOINT ADMINISTRATOR OF AN ESTATE.

A PETITION of John Steel of Boston Merch<sup>t</sup> Shewing that his late Wife Mary Steel (with Mr Temple Nelson) were Administrat<sup>r</sup>s of the Estate of her former Husband Paschal Nelson dec<sup>d</sup> That most of the Affairs of that Administration were transacted by the Petitioner, since his Intermarriage with the said Mary, in which he has advanced considerable Sums out of his own Estate, Therefore Praying that he may be impower'd by this Court to proceed in & finish the said Administration.

Legislative Records of the Council, xviii., 246. Mass. Archives, xviii., 268.

Mass. Archives, xviii., 266. House Journal, pp. 138, 144.

The Committee appointed on the foregoing Petition made Report<sup>2</sup> thereon, which was read & accepted, And thereupon

*Order'd* that y<sup>e</sup> Prayer of the Petition be so far granted as that the Judge of Probate for the County of Suffolk be & he is hereby authorized to admit the Petitioner (in conjunction with the other surviving administrator) to the administration of the said Deceased's Estate, in the room and stead of his Deceased Wife, and to make up

<sup>1</sup> The House Journal, p. 142, reads, "James."

<sup>2</sup> This report has not been found.

accompts of his and her Proceedings therein, and to do and transact whatever may be further Needfull to compleat the administration & Settlement of the said Estate as effectually as his Deceased Wife (had She lived) might have done in her said Capacity: He giving Security (as the Law directs) for the faithfull Discharge of that Trust. [Passed October 23.]

## CHAPTER 140.

### VOTE ALLOWING £100 FOR YE REPAIRS AT CASTLE WILLIAM.

Legislative Records of the Council, xviii., 247.

House Journal, p. 145.  
*Ante*, p. 46,  
chap. 112.

*Voted*<sup>1</sup> that the Sum of One hundred Pounds be granted out of the publick Treasury & put into the hands of the Committee for effecting the Repairs of Castle William ordered the eleventh of September last; The said Sum to be taken out of the Appropriation for Grants; The Committee to be accountable. [Passed October 24.]

## CHAPTER 141.

### ORDER ALLOWING £150 FOR YE CHARGE OF YE FLAG OF TRUCE.

Legislative Records of the Council, xviii., 247.

House Journal, p. 145.  
Province Laws, iii., 357,  
chap. 2. *Ante*,  
p. 29, chap. 65.

*Ordered* that the Sum of One hundred & fifty Pounds be granted out of the Publick Treasury & put into the hands of the Committee for providing a Flag of Truce, to discharge the portlidge Bill &c. The Committee to be accountable, said Sum to be taken out of the Appropriation for Grants. [Passed October 24.]

## CHAPTER 142.

### ORDER ALLOWING £12. 10 TO MOSES HOYT.

Legislative Records of the Council, xviii., 247.

House Journal, pp. 128, 141.  
Province Laws, xiii., 465, chap. 1;  
629, chap. 89.

A PETITION of Moses Hoyt a Soldier in the late Expedition against Cape Breton, Praying for some further Allowance for his Wounds received in the said Service by which he is still disabled for Labour.

Read &

*Ordered* that the Committee of War be directed to pay the Pet<sup>r</sup> twelve Pounds ten shillings for his Releif. [Passed October 24.]

Legislative Records of the Council, xviii., 248.

House Journal, p. 146.  
Love's Fast and Thanks-giving Days of New England, p. 495. *Post*, p. 61, chap. 156.

## CHAPTER 143.

### VOTE FOR A PUBLIC THANKSGIVING.

*Voted* that his Excellency be desired with the Advice of his Maj- esty's Council to appoint a Day of publick Thanksgiving<sup>2</sup> to Almighty God in Consideration of the many Favours received in the Course of the Year past; And that all servile Labour be forbidden on the said Day. [Passed\* October 26.]

<sup>1</sup> The House Journal p. 145, reads, “Ordered.”

<sup>2</sup> The Thanksgiving was appointed for November 26, 1747, and was public.

## CHAPTER 144.

## ORDER ERECTING THE INHABITANTS OF ACUSHNET VILLAGE INTO A SEPARATE PRECINCT.

A PETITION of Zachens Toby, & a considerable number of others, Inhabitants of Ashuelot<sup>1</sup> Village in Dartmouth, Shewing the great Difficulties, they are under in settling a Gospel Minister among them, & Praying that the said Village may be erected into a Precinct, & invested with the Powers & Priviledges that other Precincts within this Province enjoy.

Read & Accepted &

*Ordered* that the Village of Acushnett be and hereby is erected into a distinct & separate Precinet (except those Families & their Estates that have by this Court been set off to the new Parish in the Town of Rochester) & that they enjoy all the Priviledges that other Precinets by Law enjoy, Saving that in making their Taxes for settling & supporting a Minister & Ministers, they shall exempt not only all Quakers & Anabaptists, who are by Law exempt, but all such as shall hereafter commonly attend the Quakers or Anabaptists Meetings; And that any Person or Persons within the Town of Dartmouth (except those Families set off to the Parish in Rochester aforesaid) shall have Liberty to Join with said Precinet by entring their Names with the Precinct Clerk, or in the Secretary's Office, & by their so doing shall be included in said Precinet with their Estates & enjoy the Priviledge thereof. [Passed October 27.<sup>2</sup>

Legislative Records of the Council, xviii., 212, 24s.

Mass. Archives, cxv., 235. Legislative Records of the Council, xviii., 233. House Journal, pp. 109, 135, 148. *Ante*, p. 54, chap. 137.

## CHAPTER 145.

## ORDER APPOINTING A COMMITTEE FOR BURNING TORN &amp; DEFACED BILLS OF CREDIT.

In the House of Represent<sup>ves</sup>

*Ordered* that Mr Speaker, Mr Allen, Mr Hubbard, Mr Russell, Capt Wiswall, Capt Adams & Col<sup>o</sup> Heath with such as the Hon<sup>ble</sup> Board shall join, be a Committee to take an Accompt of the Old & Middle Tenor, & of all torn & defaced Bills, of every Denomination in the Treasury, & consume them to Ashes, & make Report thereon.

In Council, Read & Concurred, And John Osborne, Jacob Wendell, Samuel Watts, Ezekiel Cheever, John Wheelwright & Andrew Oliver Esq<sup>rs</sup> are joined in the Affair. [Passed October 27.

Legislative Records of the Council, xviii., 249.

House Journal, p. 147.

## CHAPTER 146.

ORDER DIRECTING THE PAYMENT OF 27/ EACH TO SAM<sup>L</sup> WILSON & OTHERS.

IT APPEARING that Samul Wilson, John Chadburn, John Stanning & Joshua Chadburn, four of the Inhabitants of Phillips Town

Legislative Records of the Council, xviii., 249.

<sup>1</sup> Both Mass. Archives and the House Journal read, "Acushnett."

<sup>2</sup> This date is according to Mass. Archives; according to the House Journal and Legislative Records of the Council the date is October 26.

House Journal, p. 148.

in the Pay of the Province, are not born upon any Roll from the twelfth of April to the twelfth of May, 1746, Therefore,

*Ordered* that the Treasurer be directed to pay to said Persons Twenty Shillings each in full for their Wages for that Term. [Passed October 27.]

## CHAPTER 147.

### ORDER ALLOWING 17/ 6 EACH TO JN<sup>O</sup> MORSE & OTHERS.

Legislative Records of the Council, xviii., 250. Mass. Archives, lxxiii., 2.

Mass. Archives, lxxiii., 2. House Journal, p. 150 bis.

A PETITION of John Morse, Ephraim Payson, Simon Hadley Soldiers on the Eastern Frontiers the last Year, Shewing that by a Mistake in the Muster Roll they were cut off several days of their Pay & Subsistence, Praying that this Court would make up that Deficiency to them.

Read and

*Ordered* that the Treasurer be directed to pay to the within named John Hixson John Morse Ephraim Payson and Simon Hadley Seventeen Shillings and Six pence each in consideration of their being made up Short that Sum in the Muster rolls. [Passed October 27.]

## CHAPTER 148.

### ORDER ALLOWING £5 TO CLEMENT CHAMBERLAIN.

Legislative Records of the Council, xviii., 250. Mass. Archives, lxxiii., 742.

Mass. Archives, lxxiii., 743. House Journal, pp. 100, 113<sup>1/2</sup>, 150. Province Laws, xiii., 465, chap. 1.

ON THE PETITION of Clement Chambelain a Soldier in the late Expedition ag<sup>t</sup> Cape Breton, praying that he may be reimbursed the Charges he has been at on the Account of his Sickness occasioned by that Service

*Ordered* that the Comm<sup>e</sup> of War Allow the Pet<sup>r</sup> five pounds in consideration of the Charge respecting Doctor's and Nurses within mentioned. [Passed October 27.]

## CHAPTER 149.

### ORDER OF NOTICE WITH STAY OF PROCEEDINGS ON THE PETITION OF JOHN HIGGINSON, ELIZABETH HIS WIFE, ADM<sup>X</sup>, AND JOHN DODGE FOR WRIT OF REVIEW.

Legislative Records of the Council, xviii., 251. Mass. Archives, xviii., 272.

Mass. Archives, xviii., 270. House Journal, p. 154. Province Laws, xiii., 673, chap. 233.

A PETITION of John Higginson & Elizabeth<sup>1</sup> his Wife Administrat<sup>x</sup> of the Estate of her late Husband John Wolcot late of Salem Esq<sup>r</sup> Dec<sup>d</sup> and of John Dodge late Attorney to the said Wolcott, shewing that they were impowered by this Court in the Year 1746, to bring their Action of Reveiw to the Superior Court for said County of Essex of a Judgment against the said John Wolcott, & the Petitioner Dodge by Nathan Bowen upon a Note of Hand, but by the Death of the said Wolcott the Tryal was prevented; Therefore praying that they may have a Tryal of the said Reveiw at the next Superior Court, that in the mean Time, no Process may be had by Writt of Scire facias on or<sup>2</sup> the Judgment at the Appeal, & that no Process may be had upon the Bond given by the said Dodge upon taking out his Writt of Reveiw.

<sup>1</sup> The House Journal, p. 154, omits the mention of the petition of John and Elizabeth Higginson.

<sup>2</sup> Sic.

Read and

*Ordered* that the Pet<sup>r</sup> serve Nathan Bowen within named with a Copy of this Pet<sup>n</sup> that He shew cause if any He hath on the first fryday of the next Sitting of this Court Why the Prayer thereof should not be granted and all Proceedings are Stayed in the mean time Provided the Pet<sup>r</sup> give sufficient Security to the Sheriff of the County of Essex to Pay the Sum that shall finally be recovered with Interest from this time. [Passed October 30.]

## CHAPTER 150.

### ORDER ALLOWING £6 TO EDMUND PHINNEY.

A PETITION of Edmund Phinney a Soldier in the Eastern Parts, shew<sup>g</sup> that he with two others being beset by a Number of French & Indians the Pet<sup>r</sup> was wounded in his right Arm, by which he is disabled from labour, praying for some Allowance out of the publick Treasury.

Legislative Records of the Council, xviii., 252.

House Journal, p. 155.

Read &

*Ordered* that the Pet<sup>r</sup> be allowed out of the publick Treasury Six Pounds in Consideration of his Sufferings herein mentioned. [Passed October 31.]

## CHAPTER 151.

### ORDER ACCEPTING THE REPORT OF THE COMM<sup>TEE</sup> ON THE PETITION OF NATH<sup>L</sup> WELLES & JOHN KINSMAN AND EXEMPTING THEM FROM TAXES IN THE FIRST PARISH OF IPSWICH.

A PETITION of Nathaniel Welles, & John Kinsman of the first Parish in Ipswich, Shewing that by Mistake they have lapsed the Time for giving in their Names at the Secretary's Office in order to be set off to the new Parish & Praying that they may be now allowed that Benifit.

Legislative Records of the Council, xviii., 253.

Read &

*Ordered* that the Report be Accepted,<sup>1</sup> That the Prayer of the Petition be granted, & that the Petitioners with their Estates be & hereby are discharged from all Ministerial & other Charges in the first Parish, & be joined to the new Parish in the Town of Ipswich, there to do Duty & enjoy the like Priviledges with<sup>2</sup> others in the same Parish do or by Law ought to enjoy. [Passed October 31.]

Legislative Records of the Council, xviii., 251. House Journal, pp. 127, 151, 154.

Province Laws, xiii., 600, chap. 19.

## CHAPTER 152.

### ORDER DIRECTING THE COMMISSARY GENERAL TO DELIVER A FIRE-LOCK TO ROBT MOFFAT.

A PETITION of Robert Moffat, shewing that while he was in the publick Service, he was taken Prisoner by the Indians, being wounded by them, & endured the hard Captivity of sixteen Months, Praying

Legislative Records of the Council, xviii., 253. Mass.

<sup>1</sup> This report has not been found.

<sup>2</sup> The House Journal, p. 154, reads, "which."

Archives,  
lxviii., I.  
House Jour-  
nal, pp. 128, 154.

that he may be allowed his Pay & for his Sufferings during that Time, as also for the Loss of his Gun taken from him by the Enemy.

Read and

*Ordered* that the Commissary General be directed to deliver to Capt Gutteridge of Lunenburgh for the Use of the Pet<sup>r</sup> a Fire Lock out of the Province Stores in full consideration of this Pet<sup>r</sup>.  
[Passed October 31.

## CHAPTER 153.

### VOTE DIRECTING THE COMMISSARY GENERAL AT ALBANY TO RENDER AN ACCOUNT OF THE PROVINCE STORES.

Legislative  
Records of the  
Council, xviii.,  
253.

House Jour-  
nal, p. 157.  
Province  
Laws, xiii., 596,  
chap. 8.

*Voted* that the Committee of War be directed to write as soon as may [be] to the Commissary at Albany, ordering him forthwith to cause a thorough Search to me<sup>1</sup> made into the Pork & Beef belonging to this Province, & to give a full & exact Account of the State thereof, as also a particular Acco<sup>r</sup>t of all the other Stores, what Parts are sold, how dispos'd of, & what remains with him. [Passed November 3.<sup>2</sup>

## CHAPTER 154.

### MESSAGE OF GENERAL COURT REQUESTING THE GOVERNOR TO ISSUE A PROCLAMATION OFFERING A REWARD FOR THE APPREHENSION OF THE RING LEADERS IN THE BOSTON RIOT.

Legislative  
Records of the  
Council, xviii.,  
261.

Legislative  
Records of the  
Council, xviii.,  
258, 259. House  
Journal,  
pp. 168, 169, 170.

SAM<sup>EL</sup> WELLES Esq<sup>r</sup> from the Committee on the Affair of the Riot &c. further reported the Draught of a Message to his Excellency the Governour. which was Accepted by both Houses with Amendments; And as amended is as follows; vizt,

May it please your Excellency The two Houses being very sensible of the Criminal Nature & most dangerous Tendency of the horrid riotous Insult against Your Excellency & the General Court in their present Session, are very desirous that all proper Means be used to bring to Punishment the profligate Persons concerned therein.

The two Houses would pray your Excellency as soon as may be, to issue a Proclamation by Advice of Council, promising a Reward of One hundred Pounds old Tenor to any Person or Persons, not concerned in the said Insult, who shall inform of any one of the Heads or Ringleaders thereof, so that he be convicted, & proportionably for more; And offering that any Person concerned in the said Insult, shall inform of any of the said Heads or Ringleaders so that he or they be convicted, shall be forgiven & excused from Punishment,

And for quieting the Minds of such of the Inhabitants as have been ruffled by the late Impress, We pray your Excellency would assure them that all due Care shall be taken for Maintaining their just Rights & Liberties, & for redressing all & every Grievance:—

Agreeable to which Message the Secretary having prepared the Draught of a Proclamation for apprehending the the<sup>3</sup> Rioters &c.

<sup>1</sup> Written "be," in State Library copy, Legislative Records of the Council, xviii., 242.

<sup>2</sup> Adjourned to November 17. See Legislative Records of the Council, xviii., 257.

<sup>3</sup> Sic.

he laid it before the Council; And it was approved of, And thereupon,

ADVISED that his Excellency issue the said Proclamation     And his Excellency having signed the said Proclamation, It was published at the Head of the Regiment of Militia of the Town of Boston then under Arms in Kings Street. [Passed November 21.

## CHAPTER 155.

VOTES ALLOWING DIVERS SUMS FOR HULKS &c. TO CERTAIN PERSONS.

*Voted*, that there be allowed & paid out of the publick Treasury to Jacob Wendell Esq<sup>r</sup> & Company for the Ship Boston Merchant & Disbursement in preparing her for a Hulk, the Sum of One hundred & thirty Pounds eighteen Shillings & nine pence in full Discharge thereof:     Also

*Voted* that the Sum of One hundred & eleven Pounds thirteen Shillings & eight Pence be allowed to Cpt. John Steel & Company for the Ship Mary & Disbursements for the Use aforesaid     Also

*Voted* that the Sum of One hundred & eighty five Pounds sixteen Shillings & three pence be allowed Mr John Denny Jun<sup>r</sup> for the Ship Duke of Cumberland & Disbursements for the Use aforesaid     Also

*Voted* that the Sum of Five Pounds nineteen Shillings & eight pence be allowed Cpt. Jeffry Bedgood for his Expence in preparing the said Hulls:     Also

*Voted* that the Sum of Thirty seven Pounds five Shillings & five pence be allowed to Cpt Henry Atkins for his Time & Disbursements upon the said Hulls. [Passed November 24.

Legislative  
Records of the  
Council, xviii.,  
263.

House Jour-  
nal, pp. 107, 174.

## CHAPTER 156.

ORDER FOR ADJOURNING YE SUPERIOUR COURT IN SUFFOLK COUNTY.

WHEREAS the Superior Court &c, for the County of Suffolk stands Adjournded to this Day, & thrô Stress of Weather two of the Justices of the said Court are detained from Attending the same, And Thursday the twenty sixth Current being appointed for a Day of publick Thans Giving thrô out this Province, so that their being no Prospect of much Business being done at said Court this Week;

*Ordered* that any two of the Justices of the said Court be directed & they are hereby authorized & directed to make another Adjournment of the said Court to the first of December next.<sup>1</sup> [Passed November 24.

Legislative  
Records of the  
Council, xviii.,  
263.

Ante, p. 56,  
chap. 143.

## CHAPTER 157.

ORDER IMPOWERING ELIZ<sup>A</sup> BELCHER, AD<sup>X</sup> AND GUARDIAN, TO SELL LAND.

A PETITION of Elizabeth Belcher, Widow & Administ<sup>x</sup> of Joseph Belcher late of Boston dece<sup>d</sup> & Gaurdian to his four Children in their Minority, Shewing that she is obliged to sell a great part of his real

Legislative  
Records of the  
Council, xviii.,  
270.

<sup>1</sup> Not found in the House Journal.

Mass.  
Archives,  
xviii., 274.  
House Jour-  
nal, pp. 144, 173.  
Province  
Laws, ii., 151,  
chap. 10.

Estate consisting of Forty eight Acres of Land lying in the Town of Chelsea for paying the deceased's Debts; And for as much as the Selling of a part of it only will greatly endamage the whole; Therefore praying that she may be impowered to sell the whole, She to account for the Overplus after paying the Debts.

Read &

*Ordered* that the within named Elizabeth as Administrat<sup>x</sup> to the Estate of her late Husband Joseph Belcher & as Gaurdian to her four Children beug Minors, be & hereby is authorized & impowered to make Sale of forty eight Acres of Land situate on Pullen Point (so called) for the most it will fetch in order to pay off Seven hundred Ninety six Pounds sixteen Shillings & two pence old Tenor Debts of her late Husband & being so much more than personal Estate, she giving Caution to the Judge of Probate for the County of Suffolk for the Remainder, & to ascertain & secur the Value of the Money for the Benefit of the Minors as they shall respectively come of Age; PROVIDED that before any such Sale be made the Petition<sup>r</sup> observe the Directions of the Province Law made in the sixth Year of the Reign of King GEORGE the first, respecting the Sale of real Estates by Administrators &c.<sup>1</sup> [Passed November 25.<sup>2</sup>

## CHAPTER 158.

### ORDER RELATING TO THE REPORT OF THE COMMISS<sup>ES</sup> IN THE LATE CONGRESS AT NEW YORK.

Legislative  
Records of the  
Council, xviii.,  
264. Mass.  
Archives,  
ixxiii., 12.

House Jour-  
nal, pp. 154, 171,  
175. *Ante*,  
p. 27, chap. 58;  
p. 37, chap. 86.

SAMUEL WELLES Esq<sup>r</sup> reported the following Agreement of the Commissioners lately convened in the City of New York; viz'

At a Meeting of the Commissioners of the Several Governments of the Massachusetts Bay, New York & Connectientt at the City of New York, in order to concert and Agree upon some general Measures for carrying on the War against the Common Enemy, & for the mutual Defence & Security of his Majesty's British Provinces & Colonies on the Continent in North America.

It is judged, after mature Consideration had of the present distressing Circumstances of these three Colonies, & therenpon the Commissioners agree to report to their Constituents that they unanimously are of Opinion,

1. That an Expedition be carried on against the French Fort at Crown Point for the Reduction of that Fortress.

2. That it will be necessary that Four thousand Men (Officers included) be raised with as many of the Six Nations & their Allies as may be obtained, to carry on the said Expedition, & that it will be necessary these Troops be at Albany by the fifteenth of April next, ready to march for the aforesaid Purpose.

3. That as the engaging the Six Nations & their Allies in this & other Services against the Common Enemy is of great Importance to the British Government, It is judged necessary that such of the Indians as shall engage in the said Expedition & go into into<sup>3</sup> the

<sup>1</sup> After this order was passed, but before it took effect, the records in the case were destroyed in the Court House fire. In consequence of this misfortune, another order to the same effect was passed on June 23, 1748.—Legislative Records of the Council, xviii., 382; Mass. Archives, xviii., 274, 360; House Journal, pp. 144, 173 (December, 1747); pp. 57, 58 (June 23, 1748).

<sup>2</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is December 3.

<sup>3</sup> Sic.

Service, be equipped each with Necessarys to the Value of Five Pounds New York Currency; & be assured of a Present of like Value on their Return in Case of Success.

4. That as a further means of securing & engaging the said Indians in the Service of the English, & to prevent their being seduced to revolt to the French, It is agreed that it be proposed to each of the said Governments, that a Gun Smith be sent to Each of the Tribes following, viz. the Onoidas Onendagas, Cayagas & Senecas, & two men with each Gun Smith, to continue with them until the next Spring, & that the said Persons be instructed to be as obliging as may be to the Indians with whom they live & converse, & do all in their Power to establish & increase the Interest of the English with them, & from Time to Time advise the Governments of any thing they shall observe necessary or that the Indians may want or desire to be done for that purpose; And that there be purchas'd suitable Goods to the Value of Three hundred & Sixty Pounds New York Currency, to be put into the hands of said Smiths or of one of the Men that go with them respectively, to be given to the several Nations aforesaid (Except Sixty Pounds thereof to be put into the hands of some suitable Persons for the Mohawks) to be distributed as follows, viz, One hundred & twenty Pounds to the Senecas, Sixty Pounds to the Oneidas & Tuscaroras, Sixty Pounds to the Cayugas, & Sixty Pounds to the Onendagas; & that the several Persons render an Accompt upon Oath of the Disposition of said Goods to the respective Governments & that the Charges of the Smiths & others attending them, as also the said Three hundred & sixty Pounds be born & paid in the proportion following, viz. the Massachusetts Bay, nine Twentieth Parts, New York, Eight, Twentieth Parts Connecticut, Three Twentieths, but these Proportions not to be drawn into Precedent upon any other Occasion hereafter.

5. That (besides what Governo'r Clinton has assured the Commission<sup>r</sup>s shall be supplied gratis, of the Batteaux, Cannon & war-like Stores & Implements in the Province of New York, provided at his Majesty's Expence) the General & Common Expence necessary for engaging & rewarding the Indians, paying the Officers of the Train of Artillery, & for the Common Store of Shot, Gun Powder & other military Preparations, necessary for the Common Service, be provided by & at the Charge of the Governments engaging in this Service, & that the Proportions and Quotas of the Governments for these Services, as well as for the keeping & supporting (if reduced) until his Majesty's Pleasure be known, be as above-mentioned; And that whatsoever Part or Proportion either of Men or Money any other Governm<sup>t</sup>s shall undertake to bear & furnish, shall lesseu the Parts of these three Governments according to the aforesaid Proportion; And the Legislatures of Each Government engaging in this Enterprize raise, equip, provide for, subsist & pay their own Troops, as also appoint Commissaries to take Care of their own Stores, saving that the Government of New York, be not obliged to raise above Twelve hundred Men, The Massachusetts Commiss<sup>r</sup>s agreeing to propose to their Constituents to raise Four hundred men to compleat the Proportion of New York, the Officers to be Commissioned by the Governoirs of the said Governments undertaking to provide the same, & both Officers & Soldiers of said Four hundred men to receive the same Bounty, Wages, Subsistence & every other thing from the Government of New York, which shall be given or paid by said Governm<sup>t</sup> of New York, to a like

Proportion of the twelve hundred men they shall raise for said Expedition.

6. That the Governours of the Massachusetts Bay, New York & Connecticut be desired to appoint & Commissionate the three General Officers for the said Expedition.

7<sup>th</sup> That Each Government appoint a Committee of one or more Persons to meet at Middleton, in Connecticut on the eleventh Day of December next, or as soon after as may be, in order to determine & ascertain the Particulars necessary to be provided at the Common Charge of the Governments also to agree what particular Sorts of Species of the said Particulars, each Government shall undertake to provide, having Regard to said Proportion.

8. That the Commissioners here present, having made Report to their respective Constituents, of what Measures are hereby agreed upon, the Governours of the Massachusetts Bay, New York & Connecticut be desired by the respective assemblies of these Governments to apply to the Governours of the Several other Provincees & Colonies from Virginia to New Hampshire inclusive, to recommend it to y<sup>r</sup> several Assemblies fully to Join, according & in proportion to their Ability, in this Common Undertaking against his Majesty's Enemies, & to unite with these Governments in the mutual Defence & Security of his Majesty's Colonies on the Continent of North America, & in particular desiring them to send their Committee to meet at Middleton aforesaid to engage in this Undertaking & to agree upon what Part they respectively will provide for Men, Money & Common Stores necessary for the engaging and encouraging the Indians, & for carrying on the said Expedition, also requesting as speedy an Answer as may be to the Governours of these Governments respectively what their several Government will undertake in this important Enterprize.

9. That in the mean Time while the Preparations are making for the proposed Expedition, Application be made to his Majesty by the Legislatures of Each of these Governments for such a Naval Force as may be sufficient to go up the River of St Lawrence, & either divert or subdne that part of the Country, & in Case of an Assurance of a Sufficieney to command the River & attack the Fortresses there, & y<sup>t</sup> it be his Majesty's Pleasure the Expedition be carried on against Canada, that then the Preparations & Necessaries designed more immediately for an Expedition against Crown Point, be employed & carried on against Canada for the redution of the Same with such Additional Force as can be raised, & in that Case that Application at the same time be made as aforesaid, That the Quotas of the several Governments be settled, & that those who are deficient be enjoined to furnish the same.

10<sup>th</sup> That in Case the other Governments, who have not sent their Commiss<sup>s</sup> to this Meeting to concert Measures for the Common Good of his Majesty's Subjects shall after Application made to them as before proposed & Notice of the Conclusions & Approbation thereof by these Governments, shall negleat or refuse to join them in these important Affairs for the mutual Defence & Security of his Majesty's Subjects & Interest, That then Application be made as aforesaid for the Royal Injunctions to be laid on the several deficient Governments to furnish & Provide their Proportion & Quotas of Men & Money necessary for the future general Defenee & Seecurity of his Majesty's Colonies & for carrying on any proper Scheme for the Annoyance of the Common Enemy.

11. That in Case the proposed Expedition against Crown Point only go forward & no Ships of War are sent by his Majesty to go up the River St Lawrence for the Purpose aforesaid, then a Diversion be made up said River with what Vessels can be obtained from the several Governments at the Charge of said Governments & in Conjunction with such of his Majesty's Ships of War, as can be procured at Louisburg or else where, & that a Diversion by Land be made by the Direction & under the Conduct of the General Officers, by such of the Forces of Christians & Indians as shall by said Officers on proper Encouragement be sent out for the Purpose.

12<sup>th</sup> That the Vessels, Goods, Stores, & other things sent or that shall go thrô any Part of the Goverment of New York for the Forces employed in the aforementioned & proposed Service, or in garrisoning the said Fortress, be free & exempt from all Toll, Tribute, Custom & Duty y<sup>t</sup> is or might be imposed on such Materials by Virtue of any Act of the Goverment of New York.

13<sup>th</sup> That if it shall happen that the proposed Expeditions shall neither of them be carried on the next Year, or if by reason of any other Events it shall be found necessary for the Defence of his Majesty's Subjects & annoying the Enemy, to send out & maintain Scouts of Rangers, that then the Governm<sup>ts</sup> of the Massachusetts Bay, New York & Connecticutt send out on proper Encouragement such a Number of Men respectively as they shall judge a Proportion for them in Order to defend the Borders of the exposed Settlements & in this Service to join with such of the six Nations of Indians & their Allies as will go on that Design; And that the other Governments of New Jersey, Pensylvania, Maryland, Virginia, New Hampshire & Rhode Island, be applied to, to furnish, provide & bear y<sup>r</sup> Proportion in Men, Money or other Necessaries for the Encouragement & Support of such Scouts or Rangers; And that Each Goverment providing & sending out such Scouts or Rangers receive the Benefit of such Money or other Necessaries as shall be afforded by the other Governments not sending Men in Proportion to the Number of men they shall respectively employ in said Service.

14. That in Case any Attack or Invasion shall be made by the Enemy on any one or more of his Majesty's Governments, & Application be made to any other Governments for Assistance, that the same be speedily afforded according to the Necessity & Circumstances of the Case, the Subsistance only being provided by & at the Charge of the Government requesting & receiving such Succours: And if either of the Governm<sup>ts</sup> receive any Intelligence of an Enemy approaching either by Sea or Land, who may endanger one or more of the other Governments, that they give them the earliest Notice possible thereof by Express.

15<sup>th</sup> That the Legislatures of these three Governments be desired to determine upon this Agreement with all the Dispatch possible, & when done that such Governm<sup>t</sup> do signify the same to the other Governments as soon as may be.

16. The large Numbers of Men & great Charges consequent thereupon as above have been come into by the Commissioners by reason of the distressing Circumstances of these Governm<sup>ts</sup> notwithstanding the full Persuasion of the Commission<sup>rs</sup> that these Burdens must be beyond the Ability of said Governm<sup>ts</sup> if continued, they being constantly harrassed by Invasions or Incursions on their Borders from the French & their Indians for near five hundred Miles an End, &

many of their Settlements already broken up & destroyed, & divers others in the most imminent Danger, the Case being such, that if these Governm'ts do not lay these heavy Burdens on themselves (under w<sup>ch</sup> if they are not relieved, they must sink) they must much sooner be destroyed by their inhumane Enemies abovesaid, who are exceedingly supported, Spirited & advantaged by the aboves<sup>d</sup> Crown Point Fort; The Commissioners being sensible that it is as truly unreasonable & destructive to these Goverments, to supply all the Men & Money necessary to defend his Majesty's Subjects & Interests in North America, as it would be for a small part of the Nation to be at the Expence of defending the whole, there being divers more wealthy & populous Governments than we are, who have been & are defended by us, & therefore in all reason ought to bear their proportion of the Common Defence both with Men & Money.

17. The above Articles we agree to recommend to & in all proper Ways to endeavour they may be ratified by the Governments to which we respectively belong; None of which shall be obligatory on any of the three Governments but such as shall be ratified by all.

In Testimony whereof We have signed Triplicates of these Presidents at the City of New York this twenty eighth day of September in the Twenty first Year of the Reign of Our Sovereign Lord GEORGE the second, of Great Britain, France & Ireland King &c. Annoque Domini One thousand seven hundred and forty Seven

SAMUEL WELLES	Massachusetts Commission <sup>rs</sup>
ROBERT HALE	
OLIVER PARTRIDGE	
PHIL. LIVINGSTONE	New York Commission <sup>rs</sup>
JOS. MURRAY	
W. NICOLL	
PHILLIP VERPLANK	
HEN. CRUGER	
THOS <sup>s</sup> FITCH	Connecticutt Commission <sup>rs</sup>
BENJ <sup>A</sup> HALL	

#### In the House of Rep<sup>ves</sup>

The House took into consideration the Report of the Commissioners, respecting the Expedition against the French Fort at Crown Point, & came into the following Resolutions upon the several Articles in said Report Viz<sup>t</sup>

##### 1<sup>st</sup> Upon the first Article

*Resolv'd* That the House Agree to said Article Provided the Govrnm't of New York & Connecticutt shall agree to the Amendments that may be propos'd by this Court upon the several Subsequent Articles.

2<sup>d</sup> *Resolved* that the House agree to the second article.

3<sup>d</sup> *Resolved* that the House agree to the third article.

4<sup>th</sup> *Resolved* that the House agree to the fourth Article

5. *Resolved* that the House Agree to the fifth Article so far as respects the number of Men to be paid by this Govrnm'; provided the four hundred Men proposd to be rais'd in this Govrnm' & paid by New York, be rais'd in the Govrnm' of Connecticutt, That part w<sup>ch</sup> relates to the keeping the Garrison the House do not Agree to, being of Opinion it will not be for his majestys Service the Fort should be preserved (if taken) but be forthwith demolished

6<sup>th</sup> *Resolved* that the House Agree to the Sixth Article

7<sup>th</sup> *Resolved* that the House Agree to the seventh Article with this Amendm<sup>t</sup> Viz<sup>t</sup> Provided the Governments of New York & Con-

necticut shall first Agree to the Amendments upon this Report, propos'd by this Goverment

8 *Resolve'd* that the House Agree to the Eighth Article with the same proviso as in the Seventh.

9<sup>th</sup> *Resolved* that the House do not Agree to the Ninth Article

10<sup>th</sup> *Resolved* that the House Agree to the Tenth Article

11<sup>th</sup> *Resolved* that the House do not Agree to the Eleventh Article It appearing to them that the River St Lawrence is not usually navigable at such time as the Forces may probably be at Crown Point.

12<sup>th</sup> *Resolved* that the House Agree to the twelfth Article except so far as relates to the Garrisoning the Fortress if taken

*Resolved* that the House Agree to the thirteenth, fourteenth fifteenth Sixteenth & Seventeenth Articles.<sup>1</sup>

In Council; Read & Concurred. [Passed December 1.]

## CHAPTER 159.

### VOTE APPOINTING A COMM<sup>TEE</sup> FOR RECEIVING ACCTS FOR BILLETING CANADA SOLDIERS.

In the House of Rep<sup>ves</sup>

*Voted* that Oliver Partridge Esq<sup>r</sup> with such as the Hon<sup>ble</sup> Board shall Joyn be a Comm<sup>tee</sup> for the County of Hampshire, Simon Frost Esq<sup>r</sup> w<sup>th</sup> such as the Hon<sup>l</sup> Board shall join for the County of York and Joseph Wilder Jun<sup>r</sup> Esq<sup>r</sup> w<sup>th</sup> such as the Hon<sup>l</sup> Board shall join for the Countys of Middlesex and Worcester. The said Committees to recieve the Accounts of any Persons in the said Countys respectively, Who have billeted the Canada Soldiers from the last of February to the 26<sup>th</sup> of October last and that all such accts be sworne to before some Justice of the Peace except in such Towns where no Justice dwells, & there to be sworne to before the Select Men or Town Clerk, and the Persons app<sup>ted</sup> to recieve said accts are hereby directed forthwith upon receipt thereof to transmitt the same to this Court for their Consideration

In Council Read & Concurred And Sir William Pepperrell for the County of York, Eleazar Porter Esq<sup>r</sup> for the County of Hampshire, & James Minot Esq for the Counties of Middlesex & Worcester are joined in the Affair. [Passed December 2.]

Legislative Records of the Council, xviii., 269. Mass. Archives, lxxiii., 15.

Legislative Records of the Council, xviii., 254, 256. House Journal, p. 177.

## CHAPTER 160.

### VOTE FOR AN ADDITION TO THE GARRISON AT FORT MASSACHUSETTS AND DESIRING THE EMPLOYMENT OF SCOUTS ON THE WESTERN FRONTIERS.

*Voted* that in Order to Enable the Commanding Officer of the Garrison in Fort Massachusetts to keep a Scout Westward (for the better securing of the English Settlements upon Housatonic river, now exposed to the Enemy, by the desertion of the Fort at Sarettoga) as well as to Continue the usual Scout towards Fort Pelham. There be wages and subsistance granted for ten Men to the first of March

Legislative Records of the Council, xviii., 269. Mass. Archives, lxxiii., 7.

House Journal, pp. 162, 163. Ante, p. 50, chap. 126.

<sup>1</sup> There is nothing found in the House Journal about agreement or disagreement after the 5<sup>th</sup> article.

next in addition to the said Garrison of thirty Men for whom an Establishment is made by this Court. And that His Excellency be desired to give Order for Posting them there accordingly.

Also

*Voted* that His Excellency be desired to give Orders to the Officers of the Forces on the said Western Frontier to Maintain constant Scouts in small Parties so as to Inspect the whole Frontier in order to discover and give seasonable Notice to the Towns below them in case of the approach of an Army, or any partys of the Enemy.  
[Passed December 3.]

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## CHAPTER 161.

### VOTE APPOINTING TWO COMMISSIONERS TO GO TO MIDDLETON, CONN., IN ACCORDANCE WITH THE REPORT OF THE CONGRESS AT NEW YORK.

Legislative  
Records of the  
Council, xviii.,  
270. Mass.  
Archives, vi.,  
50a.

House Jour-  
nal, pp. 179, 180.  
*Ante*, p. 62,  
chap. 158.

THE TWO HOUSES having proceeded to the Choice of two Persons to appear at the Meeting proposed (in the Agreement of the Commiss<sup>rs</sup> in their late Congress at New York) to be had at Middleton in the Colony of Connecticut &c<sup>a</sup>

Samuel Welles &

Robert Hale Esq<sup>rs</sup> were elected by the major Vote of the Council & House of Represent<sup>ves</sup>. [Passed December 3.]

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## CHAPTER 162.

### VOTE FOR PAYMT OF CAPT BANCROFT'S MUSTER ROLL.

Legislative  
Records of the  
Council, xviii.,  
270. Mass.  
Archives,  
xxiiii., 18.

House Jour-  
nal, p. 179.

*Voted* that the Treasurer be directed to pay to Capt Samuel Bancroft the Wages due to the Soldiers borne upon His Mnster roll, to be by him paid to whom it is respectively due the Usage in that case to the contrary notwithstanding. [Passed December 3.]

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## CHAPTER 163.

### ORDER OF NOTICE WITH STAY OF PROCEEDINGS ON THE PETITION OF ROBERT GALTON TO SET ASIDE A JUDGMENT BY DEFAULT.

House Jour-  
nal, p. 159.  
Mass.  
Archives,  
lxiv., 278.

Mass.  
Archives,  
lxiv., 277.

ON THE PETITION of *Robert Galton*, and others, [to set aside a judgment by default on a promissory note alleged to be invalid]<sup>1</sup>

Read and

*Ordered* that the Pet<sup>r</sup> serve Roger Pasmore withinnamed (or His Attorney) with a copy of this Pet<sup>n</sup> that He shew cause if any He hath on the 6<sup>th</sup> Instant, if the Court be then Sitting, if not on the first fryday of the next Sitting of this Court why the Prayer thereof should not be granted. And all Proceedings are stayed in the mean time, Provided the Pet<sup>r</sup> give Sufficient Security to the Sheriff of the County of Suffolk to Pay what shall finally be found due, with Interest from this time. [Passed December 3.]

<sup>1</sup> Petition not found in Legislative Records of the Council or the House Journal, but the original may be seen in Mass. Archives, lxiv., 277, 278.

## CHAPTER 164.

## ORDER ALLOWING £7. 10 TO MARK FERRY.

A PETITION of Mark Terrey<sup>1</sup> of Brimfield, Shewing that in Septemr last his Dwelling House was burnt down, & therein (with other Estate) Bills of Credit of this Province to the Amount of Thirty Pounds Old Tenor, Praying that the like Sum may be allowed to him out of the publick Treasury.

Legislative Records of the Council, xviii., 270. Mass. Archives, lxxxvii., 39.

Mass. Archives, lxxxvii., 39. House Journal, p. 175.

Read and

*Ordered* that the Treasurer be directed to Pay into the Hands of M<sup>r</sup> John Worthington for the Use of the Pet<sup>r</sup> the Sum of Seven pounds ten Shillings in consideration of the Loss within mentioned.

[Passed December 3.]

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## CHAPTER 165.

## ORDER ALLOWING 14/ 4 EACH TO JOHN KEITH, TIMOTHY CHENEY, ELI MORSE, JESSE PRATT, FRANCIS COLE AND JAPHET CHAPIN.

A PETITION of John Keith [Timothy Cheney, Eli Morse, Jesse Pratt, Francis Cole and Japhet Chapin], who were impressed into his Majesty's Service the last Year, shewing that they were made up sixteen Days short of their real Service in the Muster-Roll under Capt Burns; they therefore pray an Allowance for that Time.

House Journal, p. 181. Mass. Archives, lxxiii., 14. House Journal, pp. 181, 182.

Read and

*Ordered* that the Treasurer be directed to pay to each of the within named Soldiers the Sum of fourteen Shillings and four pence in consideration of their Service within mentioned. [Passed December 4.]

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## CHAPTER 166.

## ORDER IMPOWERING THE TOWN OF OXFORD TO IMPOSE A TAX OF ONE PENNY PER ACRE PER ANNUM FOR THREE YEARS.

A PETITION of the Inhabitants of Oxford, Praying that this Court would order that the Non resident Proprietors of Lands in the said Town be taxed towards the building & finishing a Meeting House, which the Inhabitants are now building there.

Legislative Records of the Council, xviii., 156. Mass. Archives, cxv., 224.

Read, & it appearing that the Nonresident Prop<sup>r</sup>s have been notified pursuant to the Order of this Court of the 9<sup>th</sup> of June last,

Legislative Records of the Council, xviii., 271. House Journal, p. 29 (June, 1747); p. 181.

*Ordered* that the Prayer of the Petition be granted, & that the Assessors of s<sup>d</sup> Town of Oxford are hereby impowered to impose a Tax of one penny p Acre p Annum for the Space of three Years next ensuing on the Lands of the Non resident Proprietors for the Purpose mention'd in the Petition. [Passed December 4.]

<sup>1</sup> Mass. Archives, lxxxvii., 39, gives the signature "mark ferey."

## CHAPTER 167.

Legislative Records of the Council, xviii., 271. Mass. Archives, lxxiii., 19.  
House Journal, p. 150.

VOTE DIRECTING THE COMMISSARY GEN<sup>L</sup> TO PURCHASE PROVISIONS FOR YE' SEVERAL BLOCKHOUSES.

*Voted* that the Commissary General be directed to Purchase a Quantity of Provisions sufficient to Subsist the Forces in the several Block Houses on the Western Frontier till the first of December next. [Passed December 4.]

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## CHAPTER 168.

Legislative Records of the Council, xviii., 271. Mass. Archives, vi., 51.  
House Journal, p. 181.  
*Ante*, p. 62,  
chap. 158.

VOTE PROPOSING TO THE GOVERNMENTS OF NEW YORK AND CONNECTICUT A SECOND MEETING AT MIDDLETON ON THE 20<sup>TH</sup> OF JANUARY PROXIMO.

*Voted* that it be proposed to the Goverments of New York and Connectient in case of their Agreement to the alterations proposed by this Goverment in the result of the Commissioners, that the time for the second Meeting be held at Middleton on the 20<sup>th</sup> of January next. [Passed December 4.]

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## CHAPTER 169.

ORDER ALLOWING THE ACCOT OF YE' TRUSTEES OF THE HASSANAMISCO INDIANS.

Legislative Records of the Council, xviii., 271. Mass. Archives, xxxi., 526.  
Mass. Archives, xxxi., 525.  
House Journal, pp. 175, 182.

AN ACCOMPT presented by John Chandler, John Jones & Edward Baker Esq<sup>rs</sup> Trustees of the Indians of Hassanamisco of their Receipts & Disbursements for the said Indians Ballance whereof in the said Trustees hands being Thirty nine Pounds seven Shillings & seven pence.

Read and  
*Ordered* that this Acc<sup>t</sup> be allowed and the Ball<sup>a</sup> thereof being £39. 7<sup>s</sup> 7<sup>d</sup> Old ten<sup>r</sup> the Trustees are still to Account for. [Passed December 4.]

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## CHAPTER 170.

ORDER ALLOWING THE WAGES OF EDW<sup>D</sup> CARPENTER, DECP<sup>D</sup>, TO BE PAID TO ELIZABETH CARPENTER.

Legislative Records of the Council, xviii., 271. Mass. Archives, lxxiii., 20.  
House Journal, p. 181.

WHEREAS one Edward Carpenter a Soldier of a Company in his Majesty's Service at the Eastward under the Command of Capt. John Davis, is lately deceased, & thirty two shillings & four Pence Wages are due to him,

*Ordered* that the said Wages be paid to his Mother Elizabeth Carpenter. [Passed December 4.]

## CHAPTER 171.

ORDER ALLOWING £25 TO CPT EBEN<sup>E</sup> ALEXANDER.

A PETITION of Ebenezer Alexander, Setling for his many Services performed for this Governm<sup>t</sup> in former Wars & in this present War, & particularly in wounding a French Officer who Commanded a large Party of Indians upon the Frontiers of this Province in October last Which Officer afterwards surrendered himself to the English; And Praying for some Allowance from this Court for his said Services.

Read and

*Ordered* that the Pet<sup>r</sup> be allowed Twenty five pounds out of the publick Treasury in consideration of his Service as within mentioned. [Passed December 4.

Legislative Records of the Council, xviii., 271. Mass. Archives, Ixviii., 17.

Mass. Archives, Ixviii., 17. House Journal, p. 182.

## CHAPTER 172.

ORDER ON THE PET<sup>N</sup> OF DANIEL BALLARD TO PRESENT HIS ACCOUNT AGAINST AN INSOLVENT ESTATE.

A PETITION of Daniel Ballard of Boston Joiner, Shewing that the Estate of John Snow of Boston Dec<sup>d</sup> was represented to the Judge of Probate for the County of Suffolk to be insolvent, that the Pet<sup>r</sup> being a Creditor to the s<sup>d</sup> Estate was not able to make out his Claim to the Commissioners appointed by the Judge of Probate 'till their Term was out for want of some Proofs, whieh he is now furnished with, And therefore Praying that he may be now granted Time for his giving in & proving his Claim as a Creditor of the said Estate.

Read &

*Ordered* that the Judge of Probate for the County of Suffolk, be as fully impowered to allow the Commissioners abovementioned one Month to receive the Accomp<sup>t</sup> of the Petitioner as if the Time therefor was not elapsed. [Passed December 4.

Legislative Records of the Council, xviii., 272.

House Journal, pp. 33, 177.

## CHAPTER 173.

ORDER ON THE PET<sup>N</sup> OF ROB<sup>T</sup> CLARK, PRISONER.

A PETITION of Robert Clark a Prisoner in his Majesty's Goal in Boston; Shewing forth his Penitency for his great Offences, for which he was committed, & the miserable Circumstances he is under for want of Cloathing, Food & Fewell, having Nothing to purchase the same with, And therefore praying for the Forgiveness of this Court, & that they would either provide for his Subsistence in Prison, or otherwise provide for him so that he may not perish for want of the Necessaries of Life

Legislative Records of the Council, xviii., 275.

Mass. Archives, xl., 518-520, House Journal, pp. 179, 181, 182. Province Laws, ii., 1069, chap. 6; iii., 182, chap. 14; xiii., 717, chap. 368.

Whereas the within named Robert Clark was committed to Goal by Order of this Court the third of April last, & by the Resolves of this Court of the twenty fifth of said April, It was further

*Ordered* that the said Robert Clark, should be released from Goal upon his paying Amos Brown's Cost, Viz<sup>t</sup> £6. 6. 4½ & to David Whit-

ney £6 also John Whitney's & John Randall's Cost of £3 And the said Robert Clark being still in Goal

It is further

*Ordered* that the said Robert Clark be & hereby is declared to be entitled to the same Benefit of the Law of this Province entitled an Act for the Releif of Prisoners for Debts as if he stood committed for the aforesaid Sum by Execution. [Passed December 4.<sup>1</sup>

Legislative  
Records of the  
Council, xviii.,  
273. Mass.  
Archives, vi.,  
51.

*Ante*, p. 68,  
chap. 161;  
p. 70, chap.  
168.

## CHAPTER 174.

VOTE FOR AN ADDITIONAL COMMISSIONER TO GO TO MIDDLETON.

*Voted* that Oliver Partridge Esq<sup>r</sup> be added to the Commissioners appointed to repair to Middleton on the 20<sup>th</sup> of January next.<sup>2</sup> [Passed December 5.

## CHAPTER 175.

ORDER TRANSFERRING £1,000 FROM YE APPRO<sup>A</sup> FOR GRANTS TO THE CANADA EXPEDITION.

Legislative  
Records of the  
Council, xviii.,  
273. Mass.  
Archives,  
lxxiii., 21.

Province  
Laws, xiii., 596,  
chap. 8. *Ante*,  
p. 67, chap. 159.

IN THE HOUSE OF REPRESENT<sup>VES</sup> It appearing to the House that several Sums are still due for Billeting the Canada Soldiers before the 28. Febr last

*Ordered* that the Sum of One thousand pounds part of the Sum restord by the Comm<sup>ee</sup> of War for the Canada Expedition to the Appropriation for Grants, be again transfer'd to the appropriation for the Canada Expedition.

In Council, Read & Concur'd. [Passed December 5.

## CHAPTER 176.

Legislative  
Records of the  
Council, xviii.,  
273. Mass.  
Archives,  
xlix., 204.

House Jour-  
nal, p. 183.

ORDER THAT THE BOSTON SELECT MEN BE DESIR'D TO TAKE CARE OF MATERIALS BELONGING TO YE LATE COURT HOUSE.

*Ordered* that the Select Men of the Town of Boston be desired to take care of the Materials belonging to the late Court House which are preserved from the Flames. [Passed December 9.

## CHAPTER 177.

ORDER ALLOWING THE PET<sup>N</sup> OF CPT. ELEAZAR MELVIN.

Legislative  
Records of the  
Council, xviii.,  
274.

House Jour-  
nal, p. 185.

A PETITION of Cap<sup>t</sup> Eleazar Melvin, shewing that he has billeted the Company under his Command (most of whom have been employed in the immediate Service of the Province on the Frontiers) for one whole Year, & has been forced to borrow large Sums of

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is December 10.

<sup>2</sup> Not found in the House Journal.

money for this Service, Praying that he may be reimbursed the Sum of Thirteen hundred & Sixty Six Pounds eight Shillings & three pence in Bills of the old Tenor now due to him on that Account.

Read &

*Ordered*, that the Treasurer be directed to pay the Commissary General, to be by him paid to the Petitioner, the Sum due to him, out of the Appropriation for Grants. [Passed December 9.]

## CHAPTER 178.

ORDER ALLOWING CAPT. SAM'L WILLARD TO RECEIVE WAGES DUE INHABITANTS OF NITCHEWOG, PAGUOIG AND NARRAGANSETT N<sup>o</sup> 2.

*Ordered* that Cap<sup>t</sup> Samuel Willard be allowed to receive out of the Treasury the Wages due to the Inhabitants of Nichewog Poquaig and Narragansett N<sup>o</sup> 2. to be by him repay'd to the several Persons borne upon his Roll. He finding Suretie for the faithful performance of said Trust. [Passed December 10.]

Legislative Records of the Council, xviii., 275. Mass. Archives, lxxiiii., 24.  
House Journal, p. 184.

## CHAPTER 179.

ORDER GRANTING TO ROBT STONE LICENCE TO KEEP A TAVERN.

A PETITION of Robert Stone, shewing that he has taken a Lease of two third Parts of the House in Boston where Luke Vardy kept a Tavern, Praying that he may be admitted to keep a Tavern there Read and in Answer

*Ordered* that the Justices of the Gen<sup>l</sup> Sessions of the Peace for the County of Suffolk be allowed and empowered (if they See cause) at their next Session to grant the Pet<sup>r</sup> a Licence for two thirds parts of the House within mentioned. He first obtaining the approbation of the Select Men of Boston, the time for granting Licences being elapsed notwithstanding. [Passed December 11.]

Legislative Records of the Council, xviii., 279. Mass. Archives, cxii., 137.

Mass. Archives, cxii., 134. House Journal, pp. 182, 186.

## CHAPTER 180.

ORDER APPOINTING A COM<sup>TEE</sup> TO CONTRACT FOR BUILDING MATERIALS.

In the House of Rep<sup>rves</sup>

*Ordered* that Mr Frost with such as the Hon<sup>ble</sup> Board shall Joyn be directed to Contract for Sixty thousand feet of Boards forty thousand of them Merchantable and twenty thousand clear, for the Service of the Province. Also three thousand feet of one Inch and half clear Stuff and three thousand feet of Stuff proper for Window Frames

Legislative Records of the Council, xviii., 274. Mass. Archives, lxxiiii., 206.

Legislative Records of the Council, xviii., 273, 274. House Journal, p. 187.

In Council Read and Concurr'd and John Hill Esq<sup>r</sup> is Joyned in the Affair. [Passed December 11.]

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is December 12.

## CHAPTER 181.

RESOLVE DIRECTING THE PAYMENT OF THE CANADA FORCES EMPLOYED ON THE FRONTIERS.

Mass.  
Archives,  
lxviii., 25.  
House Jour-  
nal, p. 184.

*Resolved* that in as much as an Establishment has been made by this Court for the Pay and Subsistance of Six hundred Sixty three Men on the Western Frontier and Eight Hundred and thirteen Men on the Eastern Frontier and it appears that one hundred and twelve men only have been employed on the Western Frontier who were not of the Canada Forces, and four hundred fifty five men only who were not of said Forces, have been employed on the Eastern Frontier, that therefore a Sum be granted and allowed to be paid out of the Treasury equal to the Wages of Nine hundred and Nine Men for so many Canada Forces employed on the Frontiers from the first of April to the 26<sup>th</sup> of October at the rate of twenty five Shillings per Month. And in Case it shall appear that the Wages of the whole Number of the Canada Forces that have been employed on the Frontiers, shall exceed the Sum granted as aforesaid the said Sum shall be proportion'd among the whole number of men employed both on the Eastern and Western Frontier and paid according to the time each Man has been in Actual Service. [Passed December 11.]

## CHAPTER 182.

ORDER ACCEPTING THE REPORT OF THE COM<sup>TEE</sup> RESPECTING THE DESOLATION OF THE COURT HOUSE &c.

Legislative  
Records of the  
Council, xviii.,  
275. Mass.  
Archives,  
lxxxviii., 404.  
Mass.  
Archives,  
lxxxviii., 402.  
Legislative  
Records of the  
Council, xviii.,  
274. House  
Journal, p. 183.  
Province  
Laws, iii., 384,  
note.

THE COMMITTEE appointed to consider what may be proper for this Court to do with respect to the Circumstances the publick Affairs of the Province are brought into by the late burning of the Court House &c. Report as their Opinion that the Secretary be directed forthwith to get the Duplicate of the General Court Books, now in his hands fairly transcribed & when finished that they be kept in a separate Place from the s<sup>d</sup> Duplicate; That for as much as the said Duplicate reaches no further than the fifth of July 1737, the Agents of this Province in London be directed to procure, if possible, from the Lords Commissioners of Trade & Plantations, the Copies of the said General Court Books from the said 5<sup>th</sup> of July 1737, to the 14<sup>th</sup> of February last, now lying in their Office, the said Agents leaving Copies thereof in the said Office, to be drawn in the cheapest Manner they can, by employing some other Persons than the Clerks of that Office, if that may be allowed; But if the said Copies now lying in that Office cannot be obtained, that then the Copies taken from them as above, being first examined & attested by the said Agents, be bound up in three Volumes, leaving in Each Book a Number of Leaves for a Table, & transmitted hither as soon as may be, That the Agents be also directed to inquire into the State of <sup>1</sup> the Minutes of Council of this Province from the Year, 1692, to the End of February last (supposed to ly in the said Plantation Office) whether they are compleat? And if so at what Expence they may be procured? And

<sup>1</sup> *Sic.*

inform this Court as soon as may be: That the Secretary record in his Office the first or old Charter of this Province & the Charter of King William & Queen Mary with the Commissions of the Governour, Lieut' Governour Justices of the Superiour Court & his own.

That the Clerks of the Peace be directed to send into the Secretary's Office perfect Lists of the Justices of the Peace (distinguishing those that are of the Quorum) & the Justices of the Inferior Court of Common Pleas in yr respective Counties.

In the Name of the Committee J. WILLARD

*Ordered* that this Report be accepted.<sup>1</sup> [Passed December 11.

## CHAPTER 183.

ORDER DIRECTING THE SEC<sup>RY</sup> TO EMPLOY CLERKS FOR YE DUPLICATE RECORDS.

Legislative Records of the Council, xviii., 276. Mass. Archives, Ixxviii., 401.

*Ordered* that the Sec<sup>ry</sup> be directed to Improve as many Clerks as He shall Judge necessary for drawing Duplicates of the Records of the Gen<sup>l</sup> Court of the Province. [Passed December 11.

House Journal, p. 186. Province Laws, iii., 384, note. *Ante*, p. 74, chap. 182.

## CHAPTER 184.

VOTE FOR A PUBLICK FAST.

Legislative Records of the Council, xviii., 276. Mass. Archives, xii., 400.

*Voted* That His Excellency the Govern<sup>r</sup> be desired with the Advice of His Majesty's Council, to appoint a Day of Humiliation and Prayer throughout this Province to be observed before the next Sitting of this Court, on Occasion of the great Difficulties the Province labours under, and the Frowns of Divine Providence that are upon us, more especially, in Regard of the Destruction of the Court House in Boston as also great part of the publick Records by Fire.<sup>2</sup> [Passed \* December 11.

Mass. Archives, xii., 338. House Journal, p. 186. Love's Fast and Thanksgiving Days of New England, p. 495. *Ante*, p. 74, chap. 182.

## CHAPTER 185.

ORDER DIRECTING THE TREASURER TO PAY THE AMOUNT DUE SAM<sup>L</sup> PETTIBONE.

A PETITION of Samuel Pettibone shewing that he has been at the Charge of victualling the Company under his Command (which was raised for the Expedition against Canada) till the first of February last, on which Account there is due to him the Sum of Three hundred eighty Pounds fourteen Shillings & ten pence old tenor; Praying that he may be reimbursed.

Legislative Records of the Council, xviii., 276. Mass. Archives, Ixix., 30. Province Laws, iii., 357, chap. 2.

Read and

*Ordered* that the Treasurer be directed to pay the Commissary General to be by him paid to the Memorialist the Sum due to him out of the Appropriation for Grants.<sup>1</sup> [Passed December 11.

<sup>1</sup> Not found in the House Journal.

<sup>2</sup> The fast was held January 28, 1747, and was public.

## CHAPTER 186.

## ORDER ESTABLISHING THE ALLOW^ FOR SUBSISTING SOLDIERS FROM TIME OF ENLISTMENT TILL THEY ARRIVE AT THEIR POSTS.

Legislative Records of the Council, xviii., 276. Mass. Archives, lxxiii., 27.  
House Journal, pp. 185, 186.

*Ordered* That the allowance to Each Soldier Sent into the Service for the defence of the Frontiers for his Subsistance from the Time of his leaving his place of usual residence or abode until He Shall arrive at the place where He is Station'd Shall be Two Shillings & Six pence  $\text{p}$  Day during the present Establishment Twenty miles to be accounted a Days Travail, And Any Sums That Shall be advanc'd for this Service by the Military officer of Those Regiment[s] where Any Men may be Impress'd or Enlisted or by the Men Themselves Shall be allow'd And paid to Such officers or men Out of the publick Treasury accordingly, Provided that the Subsistance for a like number of Days be always Stop'd and deducted from the Muster-Rolls of the Companys in which Such Soldiers are Enter'd before payment be made thereof. [Passed December 11.]

## CHAPTER 187.

## ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE AFFAIR OF THE INHABITANTS OF WOODSTOCK, ENFIELD, SUFFIELD AND SOMERS.

Legislative Records of the Council, xviii., 277.  
Mass. Archives, iv., 24. Province Laws, ix., 328, chap. 136.

THE COMMITTEE to whom was referred the Resolve of the Assembly of the Colony of Connecticut relating to the Petitions of the Towns of Woodstock, Enfield, Suffield & Somers, report as follows; That it appears to this Court that in the Year 1713. the Boundary Line between the Governments of the Massachusetts Bay & Connecticut was amicably & happily settled by Commissioners appointed for that Purpose, which Settlement was ratified & confirmed by the assembly of Each Goverment. And by the said Settlement it was agreed & determined that the Towns of Symbserry & Windsor, both as to Property & Jurisdiction should remain entire to Connecticut, & that the Towns of Woodstock, Suffield & Enfield, both as to Property & Jurisdiction, should remain to the Massachusetts Bay; And the Jurisdiction has been ever since peaceably exercised, without Complaint from the Inhabitants till within a Year past by the respective Governments accordingly. The Committee therefore are unanimously of Opinion That any pretended Grievances of any of the Inhabitants of the Towns of Woodstock, Suffield and Enfield said to arise by the said Settlements having been made without their Consent expressly signified, can afford no just Cause for reviving any Controversy between the Colony of Connecticut & this Province; And that it is not incumbent upon this Governm<sup>t</sup> to appoint Commissioners to meet with such Commissioners as are appointed by the Assembly of Connecticut to hear any Complaints made by any of the Inhabitants of the said Towns respecting their being & remaining within the Jurisdiction of this Province; Which is humbly submitted.  $\text{p}$  Order

E. LEWIS.

Read &

*Ordered* that this Report be accepted, And that his Excellency

be desired to transmit a Copy thereof to the Governour of Connect-  
icutt in Order to its being laid before the General Court of that  
Colony.<sup>1</sup> [Passed December 11.

## CHAPTER 188.

### ORDER ALLOWING THE PETITION OF MAJ<sup>E</sup> EPH<sup>M</sup> WILLIAMS FOR CER- TAIN COMMISSARY STORES.

A PETITION of Major Ephraim Williams, shewing that he brought from Albany to Fort Massachusetts in May last sundry Stores for the Use of this Governm<sup>t</sup> viz<sup>t</sup> four Barrels of Powder which he had of the Commissary of this Province for w<sup>ch</sup> he gave his Obligation, & bought 400<sup>lb</sup> of Lead, Six Iron Pots & ten Skepples of Salt with Casks for it, for which he stands Debtor; Praying that he may be discharged by this Court.

Read and

*Ordered* that the Commissary Gen<sup>l</sup> be directed to allow M<sup>r</sup> Commissary Emerson in the Acc<sup>t</sup> for the four barrells of Powder.

And that s<sup>d</sup> Commissary Gen<sup>l</sup> return the four hundred Weight of Lead for the Use of Col<sup>o</sup> Roberts in the Goverm<sup>t</sup> of New York. And that He allow the Memorialist in his Account for the Six Iron Potts and ten Skipple of Salt abovementioned. [Passed December 11.

Legislative Records of the Council, xviii., 277. Mass. Archives, lxxiii., 9.

House Jour-  
nal, p. 185.

## CHAPTER 189.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE LINE BETWEEN CONCORD & ACTON.

A PETITION of the Town of Acton, Shewing that there is a Dis-  
pute between the said Town and the Town of Concord, respecting their Boundary Line, And for as much as the Petitioners are unable to bear the Charge of a Controversy in the Law, Therefore Praying that this Court would appoint a Committee to view the said Line & adjust the Difference between them.

Legislative Records of the Council, xviii., 198, 277.

Mass. Archives, cxv., 231. House Journal, pp. 83, 186.

In Obedience to the Order of the General Court of the 15<sup>th</sup> of August last We the Subscribers have repaired to the Towns of Concord & Acton, were attended by the Select men of Each Town, & having viewed the Line in Controversy do report as follows, viz<sup>t</sup>

That the only matter in Dispute is, whether a Line shall extend North Easterly from a well known Station or ancient Mark called the Elm Stump & Stones to a certain white Oak Tree in John Davis's Wall & then to a Heap of Stones in a Brook called the Corner of Eleazar Heald's Land, & from thence to a white Oak Stump & Stones about twenty Perch North Easterly from said Heald's Barn; or whether the Line shall be strait from said Elm Stump & Stones to the white Oak Stump & Stones aforesaid; the Land in Controversy being about two or three Acres, & one Family dwelling thereon. And having fully heard the Parties & maturely considered the Evidences produced, are of Opinion that neither the white Oak Tree in Davis's Wall nor the heap of Stones in the Brook called a Corner of Heald's Land were ever made for the Westerly Bounds of Concord;

<sup>1</sup> Not found in the House Journal.

but a strait Line from the Elm Stump & Stones to the said white Oak Stump & Stones is & ought to be & remain the Boundary Line between said Towns so far as that extends; both these Marks being allowed by the Parties to be ancient & indisputable: All which is submitted by

JOHN CHANDLER  
W<sup>m</sup> READ  
DANIEL PIERCE } Committee

Read & Accepted, &

*Ordered* that private Property be not affected, & that the Charge be born half by Concord & half by Acton. [Passed December 11.]

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## CHAPTER 190.

### ORDER ALLOWING THE PET<sup>N</sup> OF JOHN WORTHINGTON IN REGARD TO CERTAIN GRANTS.

Legislative Records of the Council, xviii., 278. Mass. Archives, lxxiii., 29.

*Ante*, p. 15,  
chap. 22; p. 17,  
chap. 28; p. 69,  
chap. 164.

A PETITION of John Worthington of Springfield, Shewing that in this present year there was granted to one Henry Blodget of Suffield Six Pounds on Account of his Wounds in the Service of the Province, to Rachel Morgan of Springfield Six Pounds five Shillings for so much lost in the burning of her House & to Mark Terry of Brimfield Seven Pounds ten Shillings for so much lost in the burning of his House, And for as much as the Papers containing those Grants were burnt in the Court House Therefore praying that the said Grants may be now revived.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and the Treasurer is hereby directed to pay the abovementioned Sums to the abovenamed John Worthington for the Use of the Persons above-named Accordingly.<sup>1</sup> [Passed December 11.]

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## CHAPTER 191.

Legislative Records of the Council, xviii., 278. Mass. Archives, xlix., 207.

House Journal, p. 186.  
*Ante*, p. 73,  
chap. 180.

### ORDER DESIRING AND IMPOWERING THE SELECTMEN OF BOSTON TO SECURE THE WALLS OF THE LATE COURT HOUSE.

*Ordered* that the Select Men of Boston be desired and impowered to Secure the Walls of the late Court House from the inconveniences of the Weather by Causing the same to be covered with Boards in the best and cheapest manner. [Passed December 11.]

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## CHAPTER 192.

### ORDER OF NOTICE ON THE MEMORIAL OF ISAAC ROYAL & ROBT OLIVER, ESQ<sup>RS</sup>, TO ENTER AN APPEAL.

Legislative Records of the Council, xviii.,

A MEMORIAL of Isaac Royal & Robert Oliver Esq<sup>rs</sup> Shewing that they appeal'd from the Order of the Judge of Probate for the County

<sup>1</sup> Not found in the House Journal.

of Middlesex for allowing a Writing exhibited as the last Will & Testament of their Mother M<sup>r</sup>s Elisabeth Royal dec<sup>d</sup> but thrô their Ignorance of the Law they lapsed the Time allowed for their filing their Reasons of Appeal, Therefore praying that by Order of this Court they may be allowed further Time for filing their Reasons of Appeal.

Read and

*Ordered* that the Pet<sup>r</sup>s serve M<sup>r</sup> Christopher Minot with a copy of this Petition that He shew cause if any He hath on the first fryday of the next Sitting of this Court why the Prayer thereof should not be granted. [Passed December 11.]

## CHAPTER 193.

### VOTE ALLOWING £625 TO THOS HUTCHINSON, ESQ<sup>R</sup>.

*Voted* that a Sum not exceeding Six hundred & twenty five pounds be granted & allow'd to be paid out of the Treasury into the hands of Thomas Hutchinson Esq<sup>r</sup> in order to discharge any drafts that have been or may be made on him by M<sup>r</sup> John Henry Lidius in consequence of any orders given said M<sup>r</sup> Lidius by any Committee of this Court the said Hutchinson to be accountable. [Passed December 12.]

Legislative Records of the Council, xviii., 278. Mass. Archives, xxii., 280.

279. Mass. Archives, cii., 365.

House Journal, pp. 21, 175, 179, 180, 188.

## CHAPTER 194.

### VOTE DIRECTING THE COM<sup>TEE</sup> TO FORWARD THE COMMISSARY'S ACCT OF CLOTHING SENT TO LOUISBURG.

*Voted.*

That the Committee appointed to forward the Address to his majesty, respecting the impressing of Seamen & to instruct the Agent thereon, be also directed to forward the Commissary's Account of Cloathing sent to Louisburgh, (not included in the general Acc<sup>t</sup> heretofore transmitted) & instruct the Agents thereon for their government in solliciting a Reimbursement for the same. [Passed December 12.]

Legislative Records of the Council, xviii., 279. Mass. Archives, xxii., 406.

Legislative Records of the Council, xviii., 199, 253, 259, 268, 278. House Journal, pp. 178, 187, 188.

## CHAPTER 195.

### ORDER IMPOWERING JOHN COLMAN, ESQ<sup>R</sup>, TO TAKE OUT AN EXECUTION.

A PETITION of John Colman of Boston. Merch<sup>t</sup> Shewing that in February 1746, he took out Execution on a Judgment obtained in the Superior Court against James Fairservis of Boston; & the Sheriff took the Body of the said Fairservis for want of Goods or Chattels, That by vertue of a late Law, he was taken out of the Hands of the Sheriff, by Warrant from one of his Majesty's Justices of the Peace as a Soldier enlisted for the Expidition, That the Petitioner [was] then ignorant of the Advantage he had by Law from his Debts being above Twenty Pounds (which in fact it is)

Legislative Records of the Council, xviii., 228, 279.

Legislative Records of the Council, xviii., 249. House Journal, pp. 121, 144, 151.

And therefore Praying that he may now have the Benifit of an alias Execution.

Read &

*Ordered* that the Report hereon be accepted, That the Prayer of the Petitioner be granted, & that the Petition<sup>r</sup> be & hereby is allowed to take out an alias Execution upon his making Oath before Authority that there is more than Twenty Pounds due to him Accordingly. [Passed December 12.

## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE THIRD DAY OF FEBRUARY, A.D. 1747.

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### CHAPTER 196.

ORDER CONTINUING DIVERS COMMITTEES APPOINTED DURING THE  
PREVIOUS SESSION.

Legislative  
Records of the  
Council, xviii.,  
284. Mass.  
Archives,  
xix., 208.

House Jour-  
nal, p. 192.

*Ordered* that all the Comm<sup>ee</sup>s which were Subsisting at the Pro-  
rogation of the last Session be revived and directed to proceed upon  
the business Committed to them and Report as soon as may be.  
[Passed February 4.

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### CHAPTER 197.

ORDER GRANTING TO WM TOLER LICENSE TO RETAIL LIQUOR.

A PETITION of William Toler of Stoneham Shop Keeper, shew-  
ing that the Select men & others in said Town are very desirous  
that he should be licencee to retail strong Liquors, & therefore  
praying y<sup>t</sup> the Court of Gen<sup>l</sup> Sessions of the Peace for y<sup>e</sup> County  
of Middlesex may be impowered to grant him a Licence Accordingly.

Legislative  
Records of the  
Council, xviii.,  
284. Mass.  
Archives, cxii.,  
143.

Mass.  
Archives, cxii.,  
141. Legisla-  
tive Records of  
the Council,  
xviii., Mis., 565.  
House Jour-  
nal, p. 195.

Read and

*Ordered* that the Justices of the Gen<sup>l</sup> Sessions of the Peace for  
the County of Middlesex be allowed at their next Session if they  
see cause to grant the Pet<sup>r</sup> a Licence to retail strong Liquors, the  
time for granting Licences being elapsed notwithstanding. [Passed  
February 5.

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### CHAPTER 198.

ORDR CONFIRMING THE APPOINTMENT OF THE CONSTABLES OF THE  
TOWN OF LITTLETON.

A PETITION of David Powers, & a great Number of Others, In-  
habitants of Littleton, Shewing that at their Anniversary Meeting  
in March last, the said Town made Choice of Eleazar Lawrence  
Jun<sup>r</sup> & Samuel Tenny to be Constables, but by Reason of some  
Mistake in the Record thereof, their Actings in their Office, have  
been called in Question, & much Inconvenience has arisen thereby,  
Praying that this Court would confirm the said Elections.

Legislative  
Records of the  
Council, xviii.,  
284. Mass.  
Archives, cxv.,  
243.

Mass.  
Archives, cxv.,  
242. Legisla-  
tive Records of  
the Council,  
xviii., Mis., 564.  
House Jour-  
nal, pp. 192 bis,  
193.

Read and

*Ordered* that, notwithstanding the inconsistency in the records  
of s<sup>d</sup> Town of Littleton with respect to their Constables for the

present Year; both s<sup>d</sup> Eleazar Lawrence Jun<sup>r</sup> and Samuel Tenny be confirmed in their Office of Constables. And that their Acts and Doings as such be deemed as valid and effectual to all intents and purposes as if no Doubts or Disputes had arose with respect to the regularity of their Choice and the Record made thereof. [Passed February 5.]

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## CHAPTER 199.

### ORD<sup>R</sup> IMPOWERING ISAAC ROYALL & ROB<sup>T</sup> OLIVER TO FILE REASONS OF APPEAL FROM A JUDGMENT.

Legislative Records of the Council, xviii., 284. Mass. Archives, xviii., 279.  
Mass. Archives, xviii., 277.  
Legislative Records of the Council, xvii., Mis., 565. House Journal, p. 195. Ante, p. 78, chap. 192.

ON THE PETITION of Isaac Royall & Rob<sup>t</sup> Oliver Esq<sup>rs</sup> [*ante*, p. 78, chap. 192]

Read together with the Answer of Christopher Minot, And the Matter being fully considered,

*Ordered* that the Prayer of the Petition be granted, & that the Pet<sup>r</sup>s be & hereby are impowered to file their Reasons of Appeal from the Decree withinmention'd of the Judge of Probate of Wills &c<sup>a</sup> within the County of Middlesex in the Probate Office for said County of Middlesex within ten days next coming, & prosecute their said Appeal within two Months next after, before the Govern<sup>r</sup> & Council; And they are hereby fully impowered to hear & determine the same, The Petitioner's failure in filing their Reasons heretofore & prosecuting their said Appeal in time & manner as by Law directed notwithstanding. [Passed February 5.]

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## CHAPTER 200.

### ORDER WITH STAY OF EXECUTION IMPOWERING JACOB WYLEY TO BRING FORWARD A WRIT OF REVIEW.

Legislative Records of the Council, xviii., 283. Mass. Archives, xlii., 571.  
Mass. Archives, xlii., 568. Legislative Records of the Council, xviii., 285. House Journal, pp. 127, 193. Ante, p. 47, chap. 116.

A PETITION of Jacob Wyley of Woodstock, Complaining against John Woodhouse for fraudulent Dealing with him in relation to a Tryal of an Action between him & the Petitioner at the Superior Court, wherein Judgment went against the Petitioner, & therefore praying for a new Trial, & y<sup>t</sup> Execution may be staid.

Read & no Answer given in by Jn<sup>o</sup> Walker Attorney to Jn<sup>o</sup> Woodhouse, altho' it appears that he had been seasonably served with a Copy of this Petition, And the Matter being fully considered,

*Ordered* that the Prayer of the Petition be so far granted as that the Pet<sup>r</sup> be & hereby is allowd & impow<sup>d</sup> to bring his Writt of Review of the Action within ment<sup>d</sup> to the Sup<sup>r</sup> Court of Jud<sup>r</sup> to be held at Boston for the C<sup>o</sup> of Suffolk in Aug<sup>t</sup> next; And the Justices of the said Court are hereby impow<sup>d</sup> & directed to hear & try the said Cause upon the Merits, the Judgm<sup>t</sup> by Default upon the former Trial notwithstanding, And to give Judgm<sup>t</sup> therein, And Award Excon thereupon; And that the Execution against the Pet<sup>r</sup> within ment<sup>d</sup> be staid in the mean time.<sup>1</sup> [Passed February 6.]

<sup>1</sup> The leave to bring forward a writ of review is not found in the House Journal.

## CHAPTER 201.

ORDER ALLOWING £42. 10 TO WILL<sup>M</sup> BASSET.

A PETITION of William Bassett of Barnstable, shewing that in December last his dwelling House was consumed by Fire, & therein was burnt & lost Forty two Pounds ten Shillings in Bills of this Province of the Old Tenor, Praying that he may receive the same Sum out of the publick Treasury.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and the Treasurer is directed to Pay to Col<sup>o</sup> Otis for the use of the Pet<sup>r</sup> the said Sum of forty two pounds ten Shill<sup>gs</sup> Old ten<sup>r</sup> or other Bills equivalent thereto (in Lieu of the bills consum'd), accordingly. [Passed February 6.

Legislative Records of the Council, xviii., 285. Mass. Archives, lxxxvii., 41.

Mass. Archives, lxxxvii., 41. Legislative Records of the Council, xvi., Mis., 566. House Journal, p. 194.

## CHAPTER 202.

ORDER WITH STAY OF EXECUTION IMPOWERING THOS<sup>S</sup> FRENCH TO PROSECUTE AN APPEAL FROM A JUDGMENT.

A PETITION of Thomas French of Brantrey, shewing that he obtained an Order from this Court empowering him to appeal from a Judgment given against him by Hugh Hall Esq<sup>r</sup> One of his Majesty's Justices of the Peace in an Action between him & William Penniman, but the said Order was lost when the Court House was burnt, praying for the Revival thereof.

Read and

*Ordered* that the Pet<sup>r</sup> be and He hereby is allowed to Prosecute His Appeal from the Judgment within mentioned at the next Inferior Court of Common Pleas to be holden for the County of Suffolk in April next; He not entring into recognizance according to Law notwithstanding:

And Execution mentioned is Stayed in the mean time; The Pet<sup>r</sup> to Notifye the Adverse Partie fourteen days at least before the Sitting of said Court. [Passed February 9.

Legislative Records of the Council, xviii., 286. Mass. Archives, xlii., 533.

Mass. Archives, xlii., 532. Legislative Records of the Council, xvii., Mis., 566. House Journal, p. 198. Ante, p. 53, chap. 134.

## CHAPTER 203.

## ORDER DIRECTING THE PAYMENT OF WAGES DUE NATHAN EAMES, DEC'D, AND £3, ALSO £4. 10 FOR LOSS OF GUN.

A PETITION of Robert Eames, praying that he may be empowered to receive the Wages due to his Son Nathan Eames upon the Muster Roll of the Garrison at Fort Massachusetts, who was carried into Captivity when the said Fort was taken & died in Canada, & that the Petitioner may be allowed for the Loss of a Gun then taken with his Son, as also for his Cloathing & other Things taken by the Enemy.

Read and

*Ordered* that the Treasurer be directed to Pay the Wages due upon Muster roll to Nathan Eames Dee'd, as also the Sum of three pounds in consideration of the Loss within mentioned to the Widow of the s<sup>d</sup> Deceased or her Order

Legislative Records of the Council, xviii., 288. Mass. Archives, lxxxi., 38.

Mass. Archives, lxxxi., 36. Legislative Records of the Council, xvii., Mis., 563. House Journal, p. 203.

*Ordered* also that the Pet<sup>r</sup> be allowed out of the publick Treasury the Sum of four pounds ten Shillings in consideration of the Loss of the Gun within mentioned. [Passed February 15.]

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## CHAPTER 204.

### ORDER GRANTING TO ASA PUTNAM LICENCE TO KEEP A TAVERN.

Legislative  
Records of the  
Council, xviii.,  
290. Mass.  
Archives, cxii.,  
145.

Mass.  
Archives, cxii.,  
144. House  
Journal, p. 207.

A PETITION of Asa Putnam Shewing that he has hired the House in Salem Village belonging to James Phillips, where a Tavern has been kept for many Years & is commodionsly situated for that Use, & therefore praying that (as he has obtained the Approbation of the Select men of the said Town) the Justices of the Peace in the said County may be allowed in their next General Sessions to grant him a Licence.

Read and

*Ordered* that the Justices of the Gen<sup>t</sup>l Sessions of the Peace for the County of Essex be impowered at their Sessions in March next to grant the Pet<sup>r</sup> a Licence (if they see cause) the time for granting Licences being elapsed notwithstanding. [Passed February 18.]

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## CHAPTER 205.

### ORDER ALLOWING £234 AND A FURTHER SUM OF £90 TO EDW<sup>D</sup> ELLIS, ESQ<sup>R</sup>.

Legislative  
Records of the  
Council, xviii.,  
290. Mass.  
Archives,  
lxxiii., 42.

Mass.  
Archives,  
lxxiii., 41.  
House Jour.  
nal, pp. 167, 180,  
206.

A MEMORIAL of Edward Ellis Esq<sup>r</sup> Physieian, Praying that this Court would revive their Grant made him to discharge his Accompt of Medicines and Attendance on the Garrison at Castle William, & on French Prisoners, which Grant was lost, when the Court House was burnt.

Read and

*Ordered* that the Memorialist be allowed out of the publick Treasury two hundred thirty four pounds Old tenor in full consideration for his Service as Surgeon to the Castle in 1744; it being in proportion to the allowance made him in 1743. And that the sum of Ninety pounds in like tenor be allowed him for his Care of the Sick and Wounnded French Prisoners brought into this Port by Mess<sup>rs</sup> Tyng and Spry. [Passed February 18.]

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## CHAPTER 206.

### ORDER DIRECTING THE PAYMENT OF HIS WAGES TO STEPH<sup>N</sup> BOYNTON.

Legislative  
Records of the  
Council, xviii.,  
291. Mass.  
Archives,  
lxxiii., 53.

Mass.  
Archives,  
lxxiii., 53, 54.

A PETITION of Stephen Boynton a Soldier lately in the Service at Fort George, shewing that in the Muster Roll of that Garrison he was omitted as to a considerable Time of his being in the Service, praying that his Wages may be made up to the full of what is due to him

Read and

*Ordered* that the Treasurer be directed to pay to Maj Lawrence House Jour.  
for the Use of the Pet<sup>r</sup> Usual Wages for forty two days; He being  
made up Short for that time in Cap<sup>t</sup> Larrabee's Muster roll. [Passed  
February 19.]

## CHAPTER 207.

### ORDER IMPOWERING BENJ<sup>A</sup> WISER, INDIAN, TO SELL LAND.

A PETITION of Benjamin Wiser of Worcester Indian, Praying  
that he may be impowered to sell Thirty two Acres of Land belong-  
ing to him at Natick, for paying his Debts contracted by purchas-  
ing Land at Worcester, building thereon &c. the Remainder to be  
laid out for building a Barn near his Dwelling House at Worcester.

Read and

*Ordered* that the Pet<sup>r</sup> have liberty with the advice and Consent  
of the Guardians of the Natick Indians to Sell the land within  
mentioned for the purposes herein expressed The s<sup>d</sup> Comm<sup>ee</sup> to be  
accountable. [Passed February 19.]

Legislative  
Records of the  
Council, xviii.,  
291. Mass.  
Archives,  
xxxii., 558.

Mass.  
Archives,  
xxxii., 557.  
Legislative  
Records of the  
Council, xviii.,  
43. House  
Journal, p. 210.

## CHAPTER 208.

### ORDER ALLOWING £12. 10 TO JOHN DENNIS.

A PETITION of John Dennis Chaplain to the Garrison at Fort  
Frederick at Pemmaquid, praying that his Salary for the last Year  
may be made up equal to the Chaplains of the other Garrisons.

Read and

*Ordered* that the Petitioner be allowed out of the publick Treas-  
ury Twelve pounds ten Shillings in full Consideration for his Service  
as Chaplain to November 1747. [Passed February 19.]

Legislative  
Records of the  
Council, xviii.,  
291. Mass.  
Archives, xii.,  
413.

Mass.,  
Archives, xii.,  
412. House  
Journal,  
pp. 129, 203, 209.

## CHAPTER 209.

### ORDER ALLOWING COL<sup>O</sup> JOS<sup>I</sup> WILLARD FOR BILLETTING SOLDIERS.

A PETITION of Col<sup>o</sup> Josiah Willard, shewing that in the Year  
1746, he billeted the Soldiers under the Command of Cpt Eleazar  
Melvin, at which Time the Government allowed thirty Shillings p  
Week, Old Tenor, but the s<sup>d</sup> Melvin refuses to pay more than Twenty,  
praying y<sup>t</sup> this Court would give Orders, y<sup>t</sup> he may have full Satis-  
faction for s<sup>d</sup> Billeting.

*Voted* That Cap<sup>t</sup> Melvin be Directed to pay the Memorialist (out  
of the Billeting money now in his hand) Such Sum of money as may  
appear to be due to the Memorialist for Billeting Sundry Soldiers  
belonging to the S<sup>d</sup> Melvins Company, agreeable to the rates of  
Billeting granted by this Court and to be Observed at the respec-  
tive times when the Memorialist Billed the Said Soldiers. [Passed  
February 19.]

Legislative  
Records of the  
Council, xviii.,  
292. Mass.  
Archives,  
lxixii., 56.

Mass.  
Archives,  
lxixii., 55.  
House Jour-  
nal, p. 208.

## CHAPTER 210.

ORDER RELEIVING JOHN QUINCY, ESQ<sup>R</sup>, FROM THE TRUSTEESHIP OF THE PUNCAPAUG INDIANS.

Legislative  
Records of the  
Council, xviii.,  
293. Mass.  
Archives,  
xxxii., 559.

Mass.  
Archives,  
xxxii., 559.

Legislative  
Records of the  
Council, xviii.,  
43. House  
Journal, p. 212.

A MEMORIAL of John Quincy Esq<sup>r</sup> Setting forth the Inconvenience of his being Trustee for the Puncapaug Indians, by reason of his Distance from them, & praying to be discharged from that Trust, And that the Bonds & other Writings belonging to them in his keeping, be put into the Hands of some other Person to be appointed by this Court to receive them.

Read and

*Ordered* that the Prayer of the Memorial be granted and that the Mem<sup>r</sup> be allowed to deliver to the Guardians app<sup>te</sup>d over the Stoughton Indians the Bonds herein mentioned; the Interest thereof to be applyed for their Releif.

The s<sup>d</sup> Guardians to be accountable. [Passed February 22.

## CHAPTER 211.

ORDER ALLOWING £75 TO JOS<sup>I</sup> WILLARD AND EBENEZER HINSELL.

Legislative  
Records of the  
Council, xviii.,  
293. Mass.  
Archives,  
lxviii., 64.

Mass.  
Archives,  
lxviii., 64.  
House Jour-  
nal, p. 213.

A MEMORIAL of Josiah Willard, shewing that he has been employed from the Year 1744, to this Time, as an Under Commissary on the Western Frontiers, for which he has as yet received no Allowance, Praying that this Court would make such Grant to him as they Judge proper for said Service.

Read and

*Ordered* that the Treasurer be directed to pay Commissary General to be by him paid to Mess<sup>rs</sup> Josiah Willard and Eben<sup>r</sup> Hinsdell Under Commissaries the Sum of Seventy five pounds for their three year's Service to the 26<sup>th</sup> of October last in such proportion to each as s<sup>d</sup> Commissary shall Judge equitable. [Passed February 22.

## CHAPTER 212.

ORDER GRANTING TO JOS<sup>A</sup> WILLARD TRUCK MASTER A CREDIT OF £302. 15. 7 AND £56.

Legislative  
Records of the  
Council, xviii.,  
293. Mass.  
Archives,  
lxviii., 61.

Mass.  
Archives,  
lxviii., 60.  
House Jour-  
nal, pp. 203, 213.

A MEMORIAL of Josiah Willard Esq<sup>r</sup> late Truck Master at Fort Dummer, praying that he may be discharged of the Sum of £302. 15. 7 due from the Indians to Cpt Kellog the former Truck Master, which he has never been able to recover of the Indians, as also of £87. 14. 7 which the Indians were in Arrears to him at the breaking out of the War, as also of £56 being small Arms to that Value, which he sold, to purchase Swivel Guns for said Fort.

Read and

*Ordered* that the Commissary General be directed (upon the Memorialist's making Oath that He has not been able to get the whole, or any part of the Debt mentioned) to replace the said Sum of three hundred and two pounds fifteen Shillings and Seven pence Old ten<sup>r</sup>

to Cap Kellog's Acc<sup>t</sup> of Debt to the Province and give the Memorialist Credit for that Sum And that the Mem<sup>r</sup> be allowed Credit the Sum of fifty Six pounds Old ten<sup>r</sup> Such Sum being advanced in Exchange of Small Arms for Swivells And Patterarroes The s<sup>d</sup> Swivells and Patterarroes to be kept for the Service of the Province. [Passed February 22.]

## CHAPTER 213.

### ORDER ALLOWING THE ACCO<sup>T</sup> OF JOHN QUINCY, ESQ<sup>R</sup>, TRUSTEE FOR THE PUNCAPAUG INDIANS.

AN ACCOMPT presented by John Quincy Esq<sup>r</sup> Trustee for the Indians of Puncapaug of Receipts & Disbursements from June 1745, to Decemr 1747.

Read and

*Ordered* that the within Accompt be allowed and that the Ball<sup>a</sup> hereof being in Sundry Bonds the Sum of Six hundred thirty Six pounds fifteen Shillings and Six pence Principal with Interest belonging to the Indians the within named John Quincy is further Accountable for. [Passed February 22.]

Legislative Records of the Council, xviii., 294. Mass. Archives, xxxi., 556.

Mass. Archives, xxxi., 553. House Journal, pp. 198, 199, 212. *Ante*, p. 86, chap. 210.

## CHAPTER 214.

### ORDER ALLOWING £37. 10 TO JOHN NORTON.

A PETITION of John Norton late Chaplain to the Garrison at Fort Massachusetts, Praying for an Allowance of his Wages, during his Captivity, since the s<sup>d</sup> Fort was taken, during which Time he constantly Officiated by praying & preaching with ye Prisoners.

Read and

*Ordered* that the Sum of thirty Seven pounds ten shillings be allowed the Memorialist in consideration of His Officiating as Chaplain to the Prisoners whilst in Captivity at Canada. [Passed February 23.]

Legislative Records of the Council, xviii., 294. Mass. Archives, xii., 401.

Mass. Archives, xii., 401. House Journal, pp. 97, 112, 211, 217.

## CHAPTER 215.

### ORDER REFERRING ALL MATTERS PENDING BEFORE THE COURT OF GEN<sup>L</sup> SESSIONS OF YE PEACE IN THE COUNTY OF MIDDLESEX.

WHEREAS the Court of General Sessions of the Peace by Law appointed to be held and kept at Charlestown, within and for the County of Middlesex, on the Second Tuesday of December last, was by Several adjournments, continued till Wednesday, the Seventeenth of this instant February. But, by reason of the extremity of the Season on that day, a Quorum of the Justices of the said Court did not then meet at the Place to which the Same was adjourn'd; by means whereof, unless aided by this Court, some of His Majesty's Subjects in that County may be much prejudic'd

Legislative Records of the Council, xviii., 294. Mass. Archives, xlii., 594.

House Journal, p. 219. Province Laws, iii., 64, chap. 32.

It is therefore

*Ordered* That all matters that were pending before the Said Court at their Session aforesaid and not then pass'd on, be and hereby are revived & continued over to their Session in March next; And the Justices of the Said Court are allow'd and impowered to hear and determine the Same accordingly. [Passed February 23.]

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## CHAPTER 216.

### ORDER ALLOWING £7. 10 TO CAPT JOHN LANE.

Legislative  
Records of the  
Council, xviii.,  
294. Mass.  
Archives,  
lxixii., 35.

Mass.  
Archives,  
lxixii., 34.

Legislative  
Records of the  
Council, xvii.,  
Mis., 567.  
House Jour-  
nal, pp. 29, 217.

A PETITION of Capt John Lane, Setting forth his Services & Sufferings in the last & present War, that in the Expedition against Cape Breton he contracted a Sicknes, of which he is not yet recovered, w<sup>ch</sup> has put him to great Charge; Praying for some Allowance from this Court.

Read and

*Ordered* that the Treasurer be directed to Pay out of the publick Treasury to the Pet<sup>r</sup> or his Order the Sum of Seven pounds ten Shillings in consideration of his Sufferings abovementioned. [Passed February 23.]

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## CHAPTER 217.

### ORDER ALLOWING WAGES TO GERSHOM HAMLIN.

Legislative  
Records of the  
Council, xviii.,  
295. Mass.  
Archives,  
lxixii., 10.

Mass.  
Archives,  
lxixii., 10.  
House Jour-  
nal, p. 194.  
Province  
Laws, xiii., 465,  
chap. 1.

A PETITION of Gershom Hamlin a Soldier in the late Expedition against Louisburg shewing that he Contynued in that Service till the 9<sup>th</sup> of May, 1746, but was carried out in the Roll no longer than till the 9<sup>th</sup> of Octo<sup>r</sup> 1745, Praying y<sup>t</sup> his Wages may be made out his full Time.

Read and

*Ordered* that the Comm<sup>e</sup>e of War be directed to allow the Usual Pay to the Pet<sup>r</sup> from October 9<sup>th</sup> 1745 to the 9<sup>th</sup> of May then next following. [Passed February 23.]

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## CHAPTER 218.

### ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PET<sup>N</sup> OF JOHN FISHER, ESQ<sup>R</sup>, FOR A NEW TRIAL OF AN ACTION.

Legislative  
Records of the  
Council, xviii.,  
295. Mass.  
Archives,  
xviii., 355.

Mass.  
Archives,  
xviii., 354.  
House Jour-  
nal, pp. 98, 133,  
217. *Ante*,  
p. 40, chap. 95.

A PETITION of John Fisher Esq<sup>r</sup> Shewing that in an Action of Trespass, commenced by one Cromwell Oliver at the Inferior Court of Common Pleas for the County of Suffolk against the Petitioner's Son Ebenezer Fisher, who held Lands under the Petitioner as Guardian to John Gill & Israel Gill, Persons Non Compos, on which Lands the Trespass was alledged to be Committed, That the Petitioner demurred on a Plea of Title, & became bound to prosecute his Plea, which he did accordingly; but in the Entry of his Action his own Name was put instead of his Son's Name; by which Means he lost his Cause, praying he may have an other Trial, & be impow-

ered to enter his Suit in the Name of Ebenezer Fisher, or be otherwise relieved by this Court, & Execution stayed.

Read, &

*Ordered* that the Pet<sup>r</sup> serve the adverse Party Cromwell Oliver with a Copy of this Pet<sup>n</sup> that he shew Cause if any he hath on the second Wednesday of the next Sitting of this Court why the Prayer thereof shd not be granted; And Execution Within mentioned is stayed in the mean time. [Passed February 23.]

## CHAPTER 219.

### VOTE RESPECTING THE VOLUNTIERS TO BE POSTED AT FORT MASSACHUSETTS AND N<sup>o</sup> 4.

*Voted* that his Excellency the Captain General be desired to cause as soon as may be so many men to be Enlisted by the Encouragement Voted by this Court as with those Soldiers already posted at N<sup>o</sup> 4, & at Fort Massachusetts, will make the Number at each to be One hundred effective Men (Officers included) and to give Orders to the Commanding Officers in said Garrisons respectively that a Suitable Number be constantly Employed to intercept the French & Indian Enemy in their Marches from Wood Creek & Otter Creek to our Frontiers to Continue in said Service until the first of October next & that the Commanding Officers keep fair Journals of their Marches from time to time & Return the same to this Court & that over & above the Bounty abovementioned & the pay & subsistence of the Province agreeable to the last Establishment there be & hereby is granted to be paid to the Officers & Soldiers in Eqnal Parts who shall be in any Scout that may kill or Captivate any Enemy Indian the Sum of £100 the Scalp of the Indian killed to be produced to the Governor & Council in Evidence thereof. [Passed February 23.]<sup>1</sup>

Legislative Records of the Council, xviii., 296. Mass. Archives, Ixiii., 75.  
House Journal, p. 218. *Infra*, chap. 220.

## CHAPTER 220.

### VOTE IN REGARD TO THE ENLISTMENT OF VOLUNTIERS.

*Voted* that there be allowed & paid out of the publick Treasury to every such able bodied effective man (not exceeding Four hundred in the whole) one half to be destin'd to the Eastern & the other half to the Western Frontiers) who shall voluntarilie enter into the Service of the Province to gaurd & defend the Inland Frontiers thereof for the Term of three Years, the Sum following, viz<sup>t</sup> Five Pounds Bills of the last Tenor to Each Man on the Day of his Enlistment for the first Year, & the further Smm of Five Pounds Yearly on the Expiration of Each of the two succeeding Years, over & above the last Establishment of Wages; PROVIDED the War with the Indian Enemy shall not come to an End in less Time; And that the said Voluntiers be dismissed the Service in three Years next after their Enlistment; That none of the Inhabitants of the Frontiers be admitted to inlist & receive the said Bounty, but such only as are deprived of the Benefit of their Estates by the War: And the several Enlisting Officers are directed

Legislative Records of the Council, xviii., 296.  
Mass. Archives, Ixiii., 66. House Journal, p. 209. *Supra*, chap. 219.

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is February 24.

to take Duplicates of Each Enlistment signed by said Men, one of which to be returned to the Treasurer, who is hereby directed to pay the Bounty for the second & third Year to the respective Men thus enlisted, or to their Order, which Bounties shall be carried out in a separate Column in the Muster Roll of the next preeceeding Year, & the Officer who presents the same shall make Oath that they still continue in the Service agreeable to their Enlistment.

ALSO

*Voted* that his Excellency the Governour be desired to give Orders that no man, thus enlisted, go into any other Service, And that all impress'd men that now have been, or hereafter shall have been in the Service more than one Year, be releived by others as has been usual in time past. [Passed February 23.<sup>1</sup>

## CHAPTER 221.

### ORDER ALLOWING £81. 12. 3 TO COL<sup>O</sup> JOS<sup>A</sup> WILLARD.

Legislative  
Records of the  
Council, xviii.,  
295. Mass.  
Archives,  
lxxiii., 62.

Legislative  
Records of the  
Council,  
xvi. (5), 36.  
House Jour-  
nal, pp. 30, 215,  
217, 220.

A MEMORIAL of Col<sup>O</sup> Josiah Willard, Shewing that he was obliged to lay out the Sum of Eighty One Pounds twelve Shillings & three pence (to put Fort Dummer into a Condition of Defence) beyond what was allowed by the Governmt for that service a little before the War began, Praying that he may be allowed that Sum out of the Treasury.

Read and

*Ordered* that the Sum of Eighty One Pounds Twelve Shillings and three pence be allowed out of the Treasury to the Memorialist; to be by him repay'd to the Persons to whom due. He rendring an Acct of the distribution of said Sums. [Passed February 24.

## CHAPTER 222.

### ORDER ALLOWING £3 OR A GUN TO WILLIS HALL.

Legislative  
Records of the  
Council, xviii.,  
295. Mass.  
Archives,  
lxxiii., 49.

Mass.  
Archives,  
lxxiii., 49.  
House Jour-  
nal, pp. 219, 220.

A PETITION of Willis Hall of Sutton, Praying that he may be allowed for a Gun and Coat & Waste Coat, which his Servant James McClessen lost in an Engagement with the Indians, being then in the publick Service.

Read and

*Ordered* that the Pet<sup>r</sup> be allowed three pounds out of the publick Treasury in consideration of the Loss of the Gun within mentioned      Or otherways that the Pet<sup>r</sup> be allowed a Gun out of the Province Store as He shall Chuse. [Passed February 24.

## CHAPTER 223.

### ORDER ALLOWING £3 TO JOHN DAVIS.

Legislative  
Records of the  
Council, xviii.,

A PETITION of John Davis, shewing, that, being a Soldier in the Service of the Province in the Eastern Parts, he was wounded by

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is February 24.

the Indians in the Hand, whereby he is disabled from Labour, Pray- 296. Mass.  
ing for some Allowance out of the publick Treasury for his Support. Archives,  
Ixxiii., 65.

Read and

*Ordered* that the Pet<sup>r</sup> be allowed three pounds out of the pub- 296. Mass.  
lick Treasury, for his Support until He can be placed in one of the Archives,  
Forts within the Province by Order of His Excellency the Cap<sup>t</sup>  
Gen<sup>l</sup>. [Passed February 24.]

House Jour-  
nal, p. 219 bis.

## CHAPTER 224.

### ORDER APPOINTING A COMMITTEE ON THE PETITION OF JOHN DWIGHT FOR A GRANT OF LAND.

A PETITION of John Dwight of Killingsley in the Colony of Con- 297. Mass.  
necticut, shewing y<sup>t</sup> there are two small Slips of Land belonging Archives,  
to this Province lying upon Chabunagungamug Pond, & Adjoining  
to the Petitioners Farm, Praying for a Grant of the said Land,  
(which contains about Fifty Acres) for Services done by the Peti-  
tioner to this Province, or for such other Considerations as this  
Court shall think fit.

In the House of Rep<sup>ues</sup> Read and

*Ordered* that M<sup>r</sup> Lyon and M<sup>r</sup> Davis with such as the Hon<sup>ble</sup>  
Board shall Joyn be a Comm<sup>ee</sup> to inquire into the value of the  
Land Petition'd for, and all the other unappropriated Lands in  
the County of Worcester, and report to this Court thereon

In Council Read & Coneur'd & John Chandler Esq<sup>r</sup> is joined.  
[Passed February 24.]

Legislative  
Records of the  
Council, xviii.,  
297. Mass.  
Archives,  
xvi., 175.

Mass.,  
Archives,  
xvi., 174.  
House Jour-  
nal, p. 218.

## CHAPTER 225.

### ORDER ALLOWING £4 TO ISAAC PARKER.

A PETITION of Isaac Parker, Shewing that while he was in his  
Majesty's Service, he was taken Captive by the Enemy, & then lost  
his Gun, Praying that he may receive an other out of the publick  
Stores.

Read and

*Ordered* that the Pet<sup>r</sup> or His Order be allowed out of the publick  
Treasury four pounds in consideration of the Loss of the Gun above-  
mentioned. [Passed February 24.]

Legislative  
Records of the  
Council, xviii.,  
297. Mass.  
Archives,  
Ixxiii., 39.

House Jour-  
nal, p. 220.

## CHAPTER 226.

### VOTE ALLOWING £5 TO SETH CHIPMAN.

*Voted* that the Comm<sup>ee</sup> of War be directed to allow Thomas Foster Esq<sup>r</sup> for the Use of Seth Chipman the Sum of five pounds 221. Province  
in consideration of the s<sup>d</sup> Chipman's Sufferings in the Expedition Laws, xiii., 465,  
ag<sup>t</sup> Cape Breton. [Passed February 24.] chap. 1.

Legislative  
Records of the  
Council, xviii.,  
297. Mass.  
Archives,  
Ixxiii., 77.

House Jour-  
nal, pp. 167, 168,  
221. Province  
Laws, xiii., 465,  
chap. 1.

## CHAPTER 227.

## ORDER ADJOURNING THE PLYMOUTH COUNTY COURTS.

Legislative  
Records of the  
Council, xviii.,  
297. Mass.  
Archives, xliii.,  
595.

House Jour-  
nal, p. 218.  
Province  
Laws, iii., 64,  
chap. 32.

WHEREAS the time for the holding the Court of General Sessions of the peace and Inferior Court of Common pleas at Plymouth within & for the County of Plymouth is by Law Established to be on the first Tuesday of March next & divers of the Members of the General Court being Obliged to give their Attendance at said Court of General Sessions of the peace and Inferior Court of Common Pleas and the Difficulties of the Season rendering it inconvenient for the beforementioned Courts to Sit as aforesaid.

## THEREFORE

*Ordered* that the said Court of General Sessions of the peace & Inferior Court of Common pleas be Adjourned to the last Tuesday of March next and all Officers & Persons Concerned in said Court are Ordered to Conform themselves to that time and all Writs pleas recognizances and Processes whatsoever are to be heard adjudged & Determined at that time as fully to all Intents & Purposes as if said Courts were held on the first Tuesday of March aforementioned.

[Passed February 24.]

## CHAPTER 228.

ORDER ALLOWING £6. 5 TO THOS<sup>S</sup> HOSMER, JUN<sup>R</sup>.

Legislative  
Records of the  
Council, xviii.,  
297.

Legislative  
Records of the  
Council, xvii.,  
Mis., 567.  
House Jour-  
nal, pp. 220, 221.  
Province  
Laws, xiii., 465,  
chap. 1.

A PETITION of Thomas Hosmer Jun<sup>r</sup> of Concord, Setting forth his Sufferings in the Sickness he contracted in the Service against Cape Breton, & his Expence & Loss of Time thereby, Praying for an Allowance from this Court.

## Read &amp;

*Ordered* that the Committee of War be directed to pay the Petitioner Six Pounds five Shillings in full Consideration for the Prayer within mentioned. [Passed February 24.]

## CHAPTER 229.

## ORDER GRANTING FURTHER TIME TO THE COMMISSIONERS TO EXAMINE THE ACCOUNTS OF AN INSOLVENT ESTATE.

Legislative  
Records of the  
Council, xviii.,  
298. Mass.  
Archives,  
xviii., 291.

Mass.  
Archives,  
xviii., 290.  
House Jour-  
nal, p. 221.  
*Ante*, p. 71,  
chap. 172.

A PETITION of Daniel Ballard of Boston Joiner, shewing that he is the principal Creditor on the Estate of John Snowden<sup>1</sup> of Boston, which is rendered Insolvent, that the Petitioners Vouchers being beyond Sea, he could not make his Claim at the Time limited by Law, to the Commissioners for examining Claims, And for as much as the Petitioner is now furnished with his Vouchers, praying that the Commissioners may be allowed further Time to receive & report on his Claim.

## Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and the Commissioners are allowed two Months to receive and examine the Acc<sup>t</sup>s the time being elapsed notwithstanding. [Passed February 24.]

<sup>1</sup> Mass. Archives, xviii., 290, reads, "John Snow."

## CHAPTER 230.

ORDER ALLOWING £1,000 TO YE JUSTICES OF YE SUP<sup>E</sup> COURT.

*Ordered* that the Sum of One thousand Pounds be granted & allowed to be paid out of the publick Treasury to the Hon<sup>ble</sup> his Majesty's Justices of the Superior Court of Judicature, Court of Assize & General Goal Delivery for their Service One Year, ending the first of January last. [Passed February 26.]

Legislative Records of the Council, xviii., 299.

House Journal, p. 223.

## CHAPTER 231.

ORDER ALLOWING £40 TO YE SECRETARY.

Legislative Records of the Council, xviii., 299.

*Ordered* that the Sum of Forty Pounds be granted and allowed to be paid out of the publick Treasury to Josiah Willard Esqr Secretary of this Province in full for his Service for one Year, ending the third Day of December last. [Passed February 26.]

House Journal, p. 223.

*Infra*, chap. 232.

## CHAPTER 232.

ORDER ALLOWING £135 ADDITIONAL TO THE SECRETARY.

Legislative Records of the Council, xviii., 299.

*Ordered* that the Sum of One hundred & thirty five Pounds be granted & allowed to be paid out of the publick Treasury to Josiah Willard Esqr Secretary &c. in Consideration of his extraordinary Services to the twenty<sup>1</sup> Day of December last. [Passed February 26.]

House Journal, p. 223.

*Supra*, chap. 231.

## CHAPTER 233.

ORDER ALLOWING £160 TO YE TREASURER.

*Ordered* that the Sum of One hundred & Sixty Pounds be granted & allowed to be paid out of the Publick Treasury to William Foye Esqr Treasurer & Receiver General of his Majesty's Revenues of this Province for One Year, ending the second day of January last. [Passed February 26.]

Legislative Records of the Council, xviii., 299.

House Journal, p. 224.

*Infra*, chap. 234.

## CHAPTER 234.

ORDER ALLOWING £190 ADDITIONAL TO THE TREASURER.

Legislative Records of the Council, xviii., 299.

*Ordered* that the Sum of One hundred & Ninety Pounds be granted & allowed to be paid out of the Publick Treasury to William Foye Esqr Treasurer &c. in Consideration of his extraordinary Services occasioned by the War. [Passed February 26.]

House Journal, p. 224.

*Supra*, chap. 233.

<sup>1</sup> Written "twentieth," in State Library copy, Legislative Records of the Council, xviii., 286.

## CHAPTER 235.

Legislative  
Records of the  
Council, xviii.,  
299.

House Jour-  
nal, p. 224.  
*Infrā*, chap.  
236.

## ORDER ALLOWING £200 TO YE COMMISSARY GEN'L.

*Ordered* that the Sum of Two hundred Pounds be allowed & paid out of the Publick Treasury to John Wheelwright Esq<sup>r</sup> Commissary General for his Service in that Office for one Year. [Passed February 26.]

## CHAPTER 236.

## ORDER ALLOWING £200 ADDITIONAL TO THE COMMISSARY GENERAL.

Legislative  
Records of the  
Council, xviii.,  
299.

House Jour-  
nal, p. 225.  
*Supra*, chap.  
235.

*Ordered* that the Sum of Two hundred Pounds be allowed & paid out of the publick Treasury to John Wheelwright Esq<sup>r</sup> Commissary General in Consideration of his Care & Trouble in the Business of the Expedition against Canada, & in transacting the other extraordinary Affairs of the Province. [Passed February 26.]

## CHAPTER 237.

ORDER ALLOWING £300 TO PRESID<sup>T</sup> HOLYOKE OF HARVARD COLLEGE.

Legislative  
Records of the  
Council, xviii.,  
299. Mass.  
Archives,  
lviii., 335.

House Jour-  
nal, p. 224.

*Ordered* that the Sum of three hundred ponnds be granted and allowed to be paid out of the Publiek Treasury to the Reverend Edward Holyoke President of Harvard Colledge over and above the Rents of massachusetts Hall for one Year ending the tenth of September next to be paid Quarterly. [Passed February 26.]

## CHAPTER 238.

ORDER ALLOWING £75 TO REV<sup>D</sup> EDWARD WIGGLESWORTH.

Legislative  
Records of the  
Council, xviii.,  
300. Mass.  
Archives,  
lviii., 335.

House Jour-  
nal, p. 224.

*Ordered* that the Sum of Seventy five ponnds be granted and allowed to be paid out of the Publick Treasury to the Reverend Edward Wigglesworth Hollisian Professor of Divinity at Harvard Colledge in Cambridge as a Gratnity, in consideration of his faithful Discharge of that great & Important Trust reposed in him and for his further Eneouragement therein. [Passed February 26.]

## CHAPTER 239.

## ORDER ALLOWING 2/ 6 PER DIEM TO YE SPEAKER.

Legislative  
Records of the  
Council, xviii.,  
300.

*Ordered* that there be granted & allowed to be paid out of the publick Treasury, two shillings & Six pence p Diem to Thomas Hutchinson Esq<sup>r</sup> Speaker of the House for every Day of his Attend-

ance in the General Court from the Opening of the Session on the House Journal, p. 224.  
28<sup>th</sup> of May 1746, to the End of this Year in Consideration of his constant Application in discharging the publick Affairs of the Province. [Passed February 26.]

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## CHAPTER 240.

### ORDER ALLOWING £20 TO YE CHAPLAINS.

*Ordered* that the Sum of Twenty Ponnds be granted & allowed to be paid out of the Publick Treasury, vizt One half to the rev<sup>d</sup> Chaplain of the hon<sup>ble</sup> Board the present year, the other Half to the Rev<sup>d</sup> Ellis Gray the Chaplain of the House for their respective Services the present year. [Passed February 26.]

Legislative Records of the Council, xviii., 300.  
House Journal, p. 224.

## CHAPTER 241.

### ORDER ALLOWING £100 TO YE CLERK OF THE HOUSE.

*Ordered* that the Sum of One hundred Pounds be granted & allowed to be paid out of the publick Treasury to Roland Cotton Esq<sup>r</sup> Clerk of the House for his Service in that Trust the present year. [Passed February 26.]

Legislative Records of the Council, xviii., 300.  
House Journal, p. 224.

## CHAPTER 242.

### ORDER ALLOWING £35 TO YE DOOR KEEPER.

*Ordered* that the Sum of Thirty five Pounds be granted & allowed to be paid out of the publick Treasury to M<sup>r</sup> Abraham Belknap Door Keeper to his Excy the Governour & this Court, in full for his Service for one half Year to be accountted from the twenty first day of October last. [Passed February 26.]

Legislative Records of the Council, xviii., 300.  
House Journal, p. 224.

## CHAPTER 243.

### ORDER APPOINTING A COMMTEE TO RECEIVE AND DISBURSE THE BOUNTY MONEY TO PERSONS HAVING BEATING ORDERS.

In the House of Rep<sup>ves</sup>  
Whereas this Court by their Vote of the 23 of Feb<sup>ry</sup> Inst<sup>t</sup> have Allowed to four Hundred men to be Employed in the Eastern & Western frontiers A bounty of five pounds bills of the last Tenor to Each one who Shall Enlist into the Service of the Government as Expressd in S<sup>d</sup> Vote

Legislative Records of the Council, xviii., 300. Mass. Archives, lxxiii., 86.  
House Journal, p. 225.  
*Ante*, p. 89, chap. 220.

*Ordered* that M<sup>r</sup> Allen and M<sup>r</sup> Hubbard with Such as the Hon<sup>ble</sup> Board Shall Joyn be a Comtee to receive the S<sup>d</sup> Bounty Money Who Shall deliver the same to Such persons as his Excellency Shall give

beating Orders to: The S<sup>d</sup> Com<sup>tee</sup> to take Sufficient Security of Such persons for the faithfull Disposition of S<sup>d</sup> Money & to lay an Account of their doings herein before this Court

In Council; Read & Concur'd And Sam<sup>l</sup> Watts Esq<sup>r</sup> is joined in the Affair. [Passed February 26.]

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## CHAPTER 244.

### ORDER IMPOWERING JONAS CLARK, ESQ<sup>R</sup>, TO CALL A PROPRIETORS MEETING AT BEDFORD.

Legislative Records of the Council, xviii., 300. Mass. Archives, cxv., 241.

House Journal, p. 222. Province Laws, xiii., 533, chap. 179.

A PETITION of Samuel Welles & Jonas Clarke Esq<sup>rs</sup> & Belcher Noyes a Committee of the Proprietors of the Plantation called Bedford, Shewing that the Proprietors at their Meeting ordered by this Court, neglected to agree upon a Method for calling Meetings for the future, & there being present Occasion for a Meeting, Praying that this Court would order it.

Read and

*Ordered* that the Prayer of the Pet<sup>r</sup> be granted and that Jonas Clark Esq<sup>r</sup> be and He hereby is Impowered to Call a Prop<sup>rs</sup> Meeting at time and Place as He shall Judge convenient. And that the s<sup>d</sup> Prop<sup>rs</sup> at said Meeting are hereby anthonized to Agree on A Method for calling such Meetings for the future. [Passed February 26.]

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## CHAPTER 245.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE MEMORIAL OF THOMAS HUTCHINSON.

Legislative Records of the Council, xviii., 288, 300. Mass. Archives, cii., 372.

Mass. Archives, cii., 371. Province Laws, iii., 303. House Journal, pp. 204, 220.

A MEMORIAL of Thomas Hutchinson of Boston Esq<sup>r</sup> offering Proposals to the Consideration of this Court, referring to the Medium of Trade within this Province.

The Committee appointed to take under Consideration the Memorial of Thomas Hutchinson Esq<sup>r</sup> & to make Report, have maturely considered the Same, & are Unanimously of Opinion, that the Proposals in the Memorial, may prove very salutary to the Province; And the Committee have prepared a Bill, which is herewith humbly offered; A Copy whereof, they are of Opinion, should be sent to the Governments of Connecticut, New Hampshire & Rhode Island, & that it should be proposed to each of those Governments to appoint Commissioners to meet in this Province the 12<sup>th</sup> of April next, or as soon after as may be, to treat with such Commissioners as shall be appointed by this Government in Order to the bringing to a Period the Bills of all these several Governments in like manner as is proposed for the Bills of this; & also to settle the Rates & Value of Money in the Several Governments for the future.

JACOB WENDELL by Order

Read and

*Ordered* that this Report be accepted. [Passed February 26.]

## CHAPTER 246.

ORDER DIRECTING THE PAYMENT OF SUBSISTENCE TO GERSHOM HAMLIN.

Legislative Records of the Council, xviii., 301.

*Ordered* that the Committee of War be directed to allow usual Subsistence to Gershom Hamlin from Octo<sup>r</sup> 9<sup>th</sup> 1745, to the 9<sup>th</sup> of May then next following. [Passed February 26.]

House Journal, p. 217.  
Province Laws, xiii., 465, chap. 1. *Ante*, p. 88, chap. 217.

## CHAPTER 247.

ORDER ALLOWING £229. 3. 2 TO CAPT THOS CHENEY.

A PETITION of Thomas Cheyney, Shewing that he raised a Company of One hundred Men for the Expedition against Canada, & marched from Dudley to Northfield, & paid their Subsistence as also for their Ammunition; Praying that he may be reimbursed that Charge, being £259. 3. 2.

Legislative Records of the Council, xviii., 301. Mass. Archives, lxxiii., 59.

Read and

*Ordered* that (after a deduction made of thirty pounds paid by the Commissary Gen<sup>l</sup>) the remaining Sum of two hundred Twenty Nine pounds three Shill<sup>gs</sup> and two pence Bills of the Old ten<sup>r</sup> be allowed and paid the Pet<sup>r</sup> out of the Province Treasury in full discharge of the said Account. [Passed February 26.]

Mass. Archives, lxxiii., 58. House Journal, pp. 216, 223.

## CHAPTER 248.

ORDER IMPOWERING THE COLLECTOR OF TAXES IN THE N<sup>o</sup> PRECINCT IN EASTHAM, TO COLLECT THE PROVINCE TAX AND TO DISTRIBUTE THE SAME TO FAMILIES THAT HAVE SUFFERED FROM SMALL POX.

ON THE PETITION of the North Precinct in Eastham, [*ante*, p. 43, chap. 104]

Legislative Records of the Council, xviii., 304. Mass. Archives, cxv., 234.

Read &

*Ordered* that Benjamin Sweat the present Collector of that part of the Province Tax laid on that Precinct Proceed to Collect the same; and instead of Paying the same into the Province Treasury; He be directed to pay the same into the hands of the present Select Men of the Town of Eastham, to be by them distributed to the several Familys, that have been Visited with the small Pox in said Precinet the Year past (the Indians to be included) in proportion to the Number that had that distemper in their respective Families. And that the Province Treasurer be directed to discount the same out of the said Town's Tax the Year past, and Charge the Province therewith, on it's being Certifyed by said Select Men, that they have received the said Tax for the Use aforesaid. [Passed February 26.]<sup>1</sup>

Mass. Archives, cxv., 233. House Journal, p. 223. *Ante*, p. 43, chap. 104.

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is March 2.

## CHAPTER 249.

VOTE APPOINTING A COMTEE TO MEET GENT<sup>N</sup> FROM YE OTHER GOVERNMTS.

Legislative  
Records of the  
Council, xviii.,  
302. Mass.  
Archives, cit.,  
373.

House Jour-  
nal, p. 226.  
*Ante*, p. 96,  
chap. 245.

In the House of Rep<sup>rves</sup>

*Voted* that M<sup>r</sup> Speaker and John Choate Esq<sup>r</sup> with such as the Hon<sup>ble</sup> Board shall appoint be a Committee to Meet with such Gentlemen as shall be appointed by the other Governments, pursuant to the Vote of this Court of Acceptance of the Report of the Committee of both Houses, upon the Memorial of Thomas Hutchinson Esq

In Council; Read & Concurred And Samuel Welles Esq<sup>r</sup> is joined in the Affair. [Passed February 27.]

## CHAPTER 250.

ORDER ESTABLISHING THE PAY OF THE CAPTAIN OF CASTLE WILLIAM.

Legislative  
Records of the  
Council, xviii.,  
305. Mass.  
Archives,  
lxxiii., 52.

Mass.  
Archives,  
lxxiii., 50.  
House Jour-  
nal, p. 227.

A MEMORIAL of Spencer Phips Esq<sup>r</sup> Commander of his Majesty's Castle William, Shewing that this Court in raising the Pay of the Garrison at s<sup>d</sup> Castle, have not raised his Pay, & therefore Praying that his Pay for the last, as well as this present Year may be likewise raised.

Read and

*Ordered* that the Establishment of the Captain of Castle William for the Year past be One hundred pounds. [Passed March 1.<sup>1</sup>]

## CHAPTER 251.

ORDER ERECTING EZRA CLAP AND OTHERS OF THE FIRST PARISH IN MIDDLEBORO WITH THEIR ESTATES INTO A PRECINCT.

Legislative  
Records of the  
Council, xviii.,  
306. Mass.  
Archives, xii.,  
436.

Legislative  
Records of the  
Council, xviii.,  
295. House  
Journal,  
pp. 197, 207, 208,  
227. *Ante*,  
p. 29, chap. 63.

JOHN QUINCY Esq<sup>r</sup> from the Committee of the Board on the Conference with a Comm<sup>tee</sup> of the House on the Petition of Ezra Clap & others of Middleborō made Report.

*Ordered* that the said Ezra Clap and his Associates belonging to the first Parish in Middleborough who have usually Attended And do now attend the Publick Worship of God in the New Meeting house in Said Parish with their Estates be and hereby are Made A Distinct & Seperate Precinct And Invested with all Such powers & Privileges as other Precincts in this Province do or by Law ought to enjoy. Provided that Such Persons do within two Months next ensuing give in a List of their Names into the Secretarys office, And they Shall be Intitled to one half part of all the Ministerial Lands belonging to Said first Precinct, and Shall be Excused from paying any part of the Thousand Pounds Tax, raised by said first Precinct for the repairing the old meeting house & Setling the Rev<sup>d</sup> M<sup>r</sup> Weld there; Provided also That the Pet<sup>rs</sup> pay their proportion of the other

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is March 2.

Rates Agreed Upon before by S<sup>d</sup> first Parish And That the Charge of the Com<sup>tee</sup> Sent up to S<sup>d</sup> first Precinct by this Court Amounting to the Sum of fifteen pounds be paid in Equal halves by both Precincts. [Passed March 1.<sup>1</sup>

## CHAPTER 252.

### ORDER FOR ADJOURNING THE COURT OF GENERAL SESSIONS &c. IN THE COUNTY OF BRISTOL.

WHEREAS the time for holding the Court of Gen<sup>l</sup> Sessions of the Peace and Inferior Court of common Pleas at Taunton within and for the County of Bristol is by Law established to be on the Second Tuesday of March Currant, and divers of the Members of the General Court being obliged to give their Attendance at Said Court, in the County afores<sup>d</sup> and the Difficulties of the Season rendering it inconvenient for the before mentioned Court, to Sit as aforesaid.

Legislative Records of the Council, xviii., 306. Mass. Archives, xlii., 601.

Therefore

*Ordered*, That the S<sup>d</sup> Court of General Sessions of the Peace and Inferior Court of Common Pleas for the Said County of Bristol be adjourned to the first Tuesday of April next; And all Writs Pleas Warrants Recognizances Processes and Matters Whatsoever are to be heard adjudged and Determined at that time as fully to all Intents and Purposes as if Said Courts were held on the Second Tuesday of March aboye mentioned.<sup>2</sup> [Passed March 1.<sup>1</sup>

Province Laws, iii., 64, chap. 32; 313, chap. 15.

## CHAPTER 253.

### VOTE IN REGARD TO THE SUPPORT OF MINISTERS.

*Voted* that it be & it hereby is strongly recommended to the Several Churches, & Congregations within this Province to make an honourable Provision for the Support of their Ministers proportionable to the great Rise of the Necessaries of Life, since their Settlement, Also

Legislative Records of the Council, xviii., 305.

*Voted* that the Clerks of the several Towns within the Province which have not been divided into Parishes, & also the Clerks of every Parish & Precinct within the Province be required to lodge in the Secretary's Office some time before the Sitting of the Court in May next, an Attested Copy of the Contract made with the Minister of such Town, Parish or Precinct at his Settlement, & also an Attested Copy from the Records, of the Salary granted or paid to such Minister the present Year, & also of the Salary granted for the Year 1748, where such Grant shall have been made; And further,

Mass. Archives, xii., 434. Province Laws, iii., 561, note. House Journal, p. 229.

*Ordered* that this Vote be forthwith printed, And that the Sheriffs of the Several Counties take<sup>3</sup> the Province take effectual Care that the Clerks of Each Town & Precinct be furnished with a Copy hereof, & to be by them laid before their respective Towns & Precincts as soon as may be. [Passed March 2.

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is March 2.

<sup>2</sup> Not found in the House Journal.

<sup>3</sup> "Within," in Mass. Archives, xii., 435a.

## CHAPTER 254.

## ORDER ON THE PETITION OF JACOB WILEY TO BE SET AT LIBERTY.

Legislative Records of the Council, xviii., 303. Mass. Archives, xlii., 580.

Mass. Archives, xlii., 579. House Journal, pp. 231, 232. *Ante*, p. 82, chap. 200.

A PETITION of Jacob Wiley of Woodstock, shewing that Notwithstanding the Order pass'd by this Court the 6<sup>th</sup> of February last on his former Petition, whereby he is allowed a new Trial of the Action between him & John Woodside,<sup>1</sup> & the Execution is Ordered to be staid, Joseph Wright Under Sheriff of the County of Worcester has served the said Execution upon him & committed him to Goal, altho' the Petitioner had served him with a Copy of the said Order, Praying that he may be released from his Imprisonment & reap the Benefit of said Order.

Read & Accepted, and thereupon

*Ordered* that Jacob Wiley the Petitioner be forthwith set at Liberty from Goal, upon his giving Security to the Sheriff of the County of Worcester, that in Case John Woodhouse recover Jndgm't against him on the Writt of Review which this Court have empowered him to bring against said Woodhouse said Wiley shall pay the Sum he is now imprisoned for, with incident Charges, And the said Sheriff is directed to set the Pet'r at Liberty accordingly. [Passed March 2.

## CHAPTER 255.

Legislative Records of the Council, xviii., 304. Mass. Archives, xxxi., 567.

Legislative Records of the Council, xviii., 43. House Journal, pp. 192, 193, 197, 198 (January, 1746); p. 233.

## RESOLVE IN REGARD TO PETITIONS FROM INDIANS TO SELL LANDS.

WHEREAS there may happen great Inconveniences by this Court's passing Orders for selling the Indians Land, upon such Petitions as are usually brought in; And whereas this Court has appointed Guardians over the Indians in their several Plantations, to prevent their being imposed upon by evil minded Men:

*Resolved* that for the future no Petitions for selling Indians Land be received, unless such Petitions be recommended by the respective Guardians of the s<sup>d</sup> Indians. [Passed March 2.

## CHAPTER 256.

ORDER IMPOWERING YE EXECRS OF CHARLES CHURCH ESQ<sup>RS</sup> LATE SHERIFF OF BRISTOL COUNTY, TO DELIVER UNSATISFIED EXECUTIONS INTO THE HANDS OF THE PROVINCE TREASURER.

Legislative Records of the Council, xviii., 304. Mass. Archives, xlii., 465.

Mass. Archives, xlii., 463. House Journal, pp. 232, 233.

A PETITION of Thomas Green, Simon Davis & Samuel Chandler Executors of y<sup>e</sup> last Will & Testament of Charles Church Esq<sup>r</sup> Dec<sup>d</sup> late Sheriff of the County of Bristol, Shewing that they have in their hands, a Number of Executions ag<sup>st</sup> divers Constables, in said County issued by the Province Treasurer, divers of which are not satisfied, Praying for the Order of this Court to deliver 'em up to the s<sup>d</sup> Treasurer.

Read and

*Ordered* that the Executors of Charles Church Esq<sup>r</sup> be allowed

<sup>1</sup> Mass. Archives, xlii., 579, reads, "Woodhouse."

and directed to deliver the Executions herein mentioned into the hands of the Provincee Treasurer, and so many of them as are against Constables within this Province be forthwith renewed for so much as remains due upon them and that He deliver them to the present Sheriff of the County of Bristol, together with such of the Originals as are against the Constables within the Province, and that the said Sheriff Settle the same as soon as may be, and Collect what Yet is Justly due from each Constable, and return the same together with all the Executions into the Province Treasury.

And that James Williams Esq<sup>r</sup> be app<sup>ted</sup> to take the remainder of the s<sup>d</sup> Executions that remain in full or in part unsatisfyed which are ag<sup>t</sup> Constables now out of the Province & make strict inquiry what Sums the said Constables have paid to Charles Church Esq<sup>r</sup> Dec'd when Sheriff and make report as soon as may be. And that the s<sup>d</sup> Williams have such reasonable allowance for said Service as this Court shall Order And that the s<sup>d</sup> Exec<sup>rs</sup> remain Accountable Until the further Order of this Court. [Passed March 2.

## CHAPTER 257.

### ORDER GRANTING TO LIDIA LEBOSQUOIT A LICENCE TO RETAIL STRONG LIQUOR.

A PETITION of Lidia Lebosquoit, Shewing that her late Father Joshua Scottow of Charlestown Dec<sup>d</sup> had a Licence to retail strong Drink, that the Management of that Business has for divers Years (her Father being aged & infirm) been in her hands; And therefore Praying that the Court of General Sessions of the Peace for the County of Middlesex may be impowered at their next Session to grant the Petitioner (who is a Widow) a Licence to retail &c.

Legislative Records of the Council, xviii., 305. Mass. Archives, cxii., 140.

Mass. Archives, cxii., 138.

Read, &

*Order'd* that the Prayer of this Petition be granted, and that the Justices of the Court of General Sessions of the Peace at their next Session in Charles town in the County of middlesex, be & they are hereby impowered (if they see cause) to grant Licence to the Petitioner to Retail strong Liquors agreeable to the tenor of this her Petition, (She Recogning as the Law directs), The time by Law appointed for granting Licences being elapsed notwithstanding.<sup>1</sup> [Passed March 2.

## CHAPTER 258.

### VOTE ALLOWING £50 TO LIEUT JOHN LARRABEE.

*Voted* that the Sum of Fifty Pounds be granted and allowed to be paid out of the publick Treasury to John Larrabee Lieutenant of his Majesty's Castle William in Consideration of his extraordinary Expence the last Year. [Passed March 2.

Legislative Records of the Council, xviii., 305.

Legislative Records of the Council, xvii., Mis., 560. House Jour- nal, p. 229.

<sup>1</sup> Not found in the House Journal.

## CHAPTER 259.

## ORDER IMPOWERING JANE PRINCE, ADMINISTRATRIX, TO SELL REAL ESTATE.

Legislative Records of the Council, xviii., 307. Mass. Archives, xviii., 300.

Mass. Archives, xviii., 290. House Journal, pp. 233, 234. Province Laws, ii., 151, chap. 10.

A PETITION of Jane Prince of Boston Widow & Administ<sup>x</sup> of the Estate of Moses Prince, Shewing that the said Moses died, seized of One half part of a Stream in the Town of Wareham in the County of Plimouth with a Dam & Grist mill & four Acres of Land, That the said Mill & Dam are much out of Repair & she is not able to repair it; Praying for Liberty to Sell the Same.

Read and

*Ordered* that the Prayer of the Petition be granted and that the said Jane in her Capacity as Adm<sup>x</sup> to the Estate of her late Husband Moses Prince be impowered to make Sale of one half part of a Grist Mill Stream and Dam and four acres of Land adjoining belonging to the said Estate laying in Wareham in the County of Plymouth for the most it will fetch and to Execute a good Deed for the Same accordingly. She first Posting up Notifications according to Law and giving Caution to the Judge of Probate for the County of Suffolk to lay out the purchase money in such real Estate as may be of immediate Service to her and her Children, or to lett it ont at Interest on good Security, She taking effectual care, that the Value of the Money be secured for the Benefit of the Children as they shall respectively come of Age. [Passed March 3.]

## CHAPTER 260.

## ORDER IMPOWERING THE PROVINCE TREASURER TO PROCEED AGAINST DELINQUENT CONSTABLES &amp; COLLECTORS.

Legislative Records of the Council, xviii., 308. Mass. Archives, cit., 376.

Legislative Records of the Council, xvii., Mis., 563. House Journal, p. 233.

*Ordered* that in case any Constable or Collector of any Town or District in the Province shall on the first of May next be deficient for any part of the Province Taxes before the Year 1747 That in such Case the Treasurer be directed without delay to Issue forth Execution ag<sup>t</sup> such deficient Constable or Collector. [Passed March 3.]

## CHAPTER 261.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE POWDER HOUSE AT CHARLESTOWN AND ALLOWING £94. 8. 8 $\frac{1}{4}$  FOR THE PURCHASE THEREOF.

Legislative Records of the Council, xviii., 308. Mass. Archives, lxxiii., 87.

House Journal, p. 233. Aste, p. 23, chap. 73.

THE COMMITTEE appointed to fit the Stone Wind Mill at Charlestown for a Powder House, reported that they had finished the said Work, & that there remaind due to them, to ballance their Accompt, the Sum of £94. 8. 8 $\frac{1}{4}$

Read and

*Ordered* that this Report be accepted and that the Sum of Ninety four pounds Eight Shillings and eight pence one farthing be allowed out of the publick Treasury to the s<sup>d</sup> Committee in full discharge for said Purchase. [Passed March 3.]

## CHAPTER 262.

ORDER WITH STAY OF ALL PROCESSES GRANTING TO JOHN HIGGINSON &c. LIBERTY TO BRING FORWARD A WRIT OF REVIEW OF A JUDGMENT.

ON THE PETITION of John Higginson & John Dodge, [*ante*, p. 58, chap. 149]

Legislative Records of the Council, xviii., 309. Mass. Archives, xviii., 273.

Read, and it appearing that the Adverse Party Nathan Bowen has been Serv'd with a Copy of this Petition, but no Answer given in;

Mass. Archives, xviii., 270. House Journal, p. 235. *Ante*, p. 58, chap. 149.

*Ordered* that the Prayer of the Petition be and hereby is granted; and that no Process of *Scire facias*, or any *Exon* issue on the Judgment upon the Appeal, founded on the Note of hand within mention'd; but that the Same be Staid until a writ of Review may be purchas'd and a new trial had upon upon<sup>1</sup> the Review of the last mention'd Judgment: And the Pet<sup>r</sup>s are allow'd to bring forward the Same at the next Sup<sup>r</sup> Court of Judicature &c<sup>a</sup> to be holden at Ipswich within and for the County of Essex. And the Justices of the Said Court are impowered to hear and try the Said Cause enter up Judgment thereon and award Execution accordingly. And all Process on the Bond within mentioned is also Staid until a Judgment be had upon the Review of the Judgment that was obtain'd upon the aforesaid appeal. And the said Bond to be of no other Force, Effect or Intent than if it had been given to review the Judgment aforesaid at the Court before mention'd

Provided the Pet<sup>r</sup> Serve the adverse Party before named with a Copy of this Order fourteen Days at least before the Sitting of the Said Court; And also give Sufficient Security to the Sheriff of the County of Essex to pay Such Sum or Sums as shall finally be recovered of him with Interest therefor until Judgment. [Passed March 4.

## CHAPTER 263.

VOTE IMPOWERING WILLIAM BOLLAN ESQR TO RECEIVE FOR THE USE OF THE PROVINCE SUCH SUMS AS MAY BE GRANTED BY PARLIAMENT FOR EXPENSES OF LOUISBURG EXPEDITION.

*Voted* that William Bollan Esqr one of the Agents of this Province impower'd to sollicit the payment of their Expences in takeing and secureing Cape Breton be and the said William Bollan Esqr is hereby authoriz'd & fully impower'd to receive for the Use of this Government all such Sum or Sums as are or shall be granted by Parliament to or for the Province for the payment of the Expences aforesaid. [Passed March 5.

Legislative Records of the Council, xviii., 311. Mass. Archives, xx., 420.

Legislative Records of the Council, xvii. (5), 147. House Journal, p. 237.

## CHAPTER 264.

ORDER ALLOWING £47. 14. 6 TO CPT. JEFFRY BEDGOOD.

AN ACCOMPT presented by Capt<sup>t</sup> Jeffry Bedgood of Time & Ex-  
pence in fitting Hulks to be sunk in the Channel in Case of an Invasion from the French Am<sup>o</sup> to y<sup>e</sup> Sum of £47. 14. 6.

Legislative Records of the Council, xviii., 311.

<sup>1</sup> *Sic.*

Legislative  
Records of the  
Counceil, xvii.,  
Mis., 565.  
House Jour-  
nal, p. 230.  
*Ante*, p. 61,  
chap. 155.

Read &

*Ordered* that the within Accompt be allowed & that the Accomptant receive out of the publick Treasury the Sum of forty seven Pounds fourteen Shillings & six pence, Old Tenor, to be by him paid to the sev<sup>l</sup> Persons to whom the same is due. [Passed March 5.

CHAPTER 265.

ORDER GRANTING TO JAMES CLEMENT LICENCE TO KEEP A TAVERN.

Legislative  
Records of the  
Council, xviii.,  
312. Mass.  
Archives, cxl.,  
149.

Mass.  
Archives, exi.,  
147. House  
Journal, p. 236.

A PETITION of James Clement, Shewing that the House upon Minot's Wharf in Boston which has for many Years past been used for a Tavern, having been vacant, Your Petitioner has hired the said House in Order to keep a Tavern there, And therefore praying that the Court of General Sessions of the Peace for the County of Suffolk, may be impowered at their next Meeting to grant him a Licence.

### Read and

*Ordered* that the Justices of the Gen<sup>l</sup> Sessions of the Peace for the County of Suffolk be impowered At their next Session to grant the Pet<sup>r</sup> a Licence. He first obtaining the Approbation of the Select Men of Boston. The time for granting Licences being elapsed notwithstanding. [Passed March 5.

CHAPTER 266.

VOTE ALLOWING £3,682. 13 FOR PAYING THE ACCOTS OF BILLETING YE  
CANADA SOLDIERS.

Legislative  
Records of the  
Council, xviii.,  
312. Mass.  
Archives,  
ccclxxxiii., 49.

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House Jour-  
nal, pp. 239, 240.

*Voted* that there be allowed and paid out of the Province Treasury the Sum of Three Thousand Six Hundred Eighty two pounds thirteen Shill<sup>s</sup> to Satisfy the Several Acco<sup>tts</sup> hereaftermention<sup>d</sup> of billeting the Canada Soldiers between the Last Day of Feby & the 26<sup>th</sup> Day of Octo<sup>r</sup> last<sup>1</sup>

	Weeks	days	@	6/ 3	.	.	.	74.	7.	6
Sunderland . .	238	2						91.	19.	8
New Salem . .	245	2		7/ 6	.	.	.	93.	5.	6
Rhoad Town . .	248	5		7/ 6	.	.	.	38.	16.	11
Hadly . .	124	2		6/ 3	.	.	.	4.	0.	5
Thomas Temple . .	.	.			.	.	.			
To be paid to Eleazar Porter Esq <sup>r</sup>										
Hatfield . .	1,784	3		@ 6/ 3	.	.	.	557.	12.	10
Col Hinsdell . .	488	6		@ 7/	.	.	.	171.	2.	0
Elisha Ellis . .	.	.		.	.	.	.	1.	4.	0
John Hubbard . .	.	.		.	.	.	.	6.	2.	1 $\frac{1}{2}$
Col Hinsdell . .	.	.		.	.	.	.	25.	4.	9
Levt John Hurburt . .	.	.		.	.	.	.	16.	10.	7 $\frac{1}{2}$
To be paid to Oliver Partridge Esq <sup>r</sup>										
Deerfield . .	3,857	6		@ 7/	.	.	.	1,350.	5.	0
Falltown . .	88	2		7/	.	.	.	30.	18.	0
Hugh Morrison . .	107	5		7/ 6	.	.	.	40.	7.	11
Arch <sup>t</sup> Pamiel . .	1	5		7/ 6	.	.	.	0.	12.	11
Thomas French . .	.	.		.	.	.	.	0.	17.	6
David Field . .	.	.		.	.	.	.	5.	13.	5 $\frac{1}{2}$
Tim <sup>r</sup> Childs Jun <sup>r</sup> . .	.	.		.	.	.	.	14.	12.	7 $\frac{1}{2}$
M <sup>r</sup> Jon <sup>a</sup> Ashley . .	.	.		.	.	.	.	1.	0.	7 $\frac{1}{2}$
John Catlin Jun <sup>r</sup> . .	.	.		.	.	.	.	0.	5.	0

<sup>1</sup> The following is from Mass. Archives. Some discrepancies appear in the account given in Legislative Records of the Council.

Mary Wells . . . . .						0. 5. 0
Jonathan Sheldon . . . . .						0. 2. 6
Samuel Beldin . . . . .						1. 3. 0
John Stebbins . . . . .						1. 0. 0
Samuel Shattuck . . . . .						0. 2. 0
Thomas Wells Esqr . . . . .						0. 3. 0
Joseph Smeed . . . . .						0. 10. 6
Daniel Arms Jun <sup>r</sup> . . . . .						0. 4. 0
John Hawks . . . . .						0. 2. 6
Samuel Childs . . . . .						0. 1. 0
Daniel Arms . . . . .						0. 0. 6
Jeremiah Nims . . . . .						0. 3. 0
David Childs . . . . .						0. 5. 6
Samuel Bardwell . . . . .						0. 2. 0
Jonathan Hoot . . . . .						0. 7. 0
Asa Childs . . . . .						0. 1. 0
Joseph Clesson . . . . .						0. 6. 6
Mary Amsdell . . . . .						0. 0. 6
John Catlin . . . . .						0. 7. 6
Samuel Bardwell Jun <sup>r</sup> . . . . .						0. 4. 0
Tim <sup>o</sup> Childs . . . . .						2. 7. 3
Samuel Diekinson . . . . .						0. 19. 6
To be paid to M <sup>r</sup> David Field						1,453. 10. 9½
Westfield . . . . .	224	6	@ 6/3			70. 5. 9
Blanford . . . . .	122	2	@ 7/6			45. 17. 2
Stockbridge . . . . .	711	2	7/6			266. 14. 8
Jesse Taylor . . . . .						0. 4. 3
Samuel Bryan . . . . .						1. 10. 0
Solomon Ransford . . . . .						0. 15. 0
Moses Cleveland . . . . .						0. 13. 11
Armour Hamilton . . . . .						4. 6. 9
To be paid to Thos <sup>s</sup> Ingwersol Esqr						390. 7. 6
Springfield . . . . .	399	2	@ 6/3			124. 15. 5
Joseph Miller . . . . .						16. 8½
John Worthington . . . . .						1. 5. 6
To be paid to M <sup>r</sup> John Worthington						126. 17. 7½
Pequoig . . . . .	324	3	@ 7/6			121. 13. 3
Niechwoig . . . . .	270	5	7/6			101. 10. 5
Leominster . . . . .	166	5	6/3			52. 2. 3
Narragansett N <sup>o</sup> 2 . . . . .	363	1	7/6			136. 3. 7
Ebenezer Hill . . . . .						0. 2. 4½
Benja Bellows . . . . .						6. 4. 6
To be paid to Joseph Wilder Jun <sup>r</sup> Esqr						417. 16. 4½
Townshend . . . . .	119	3	@ 6/3			37. 6. 3
Groton . . . . .	127	2	6/3			39. 15. 8
To be paid to William Lawrence Esqr						77. 2. 3
Lunenburg . . . . .	437	1	@ 6/3			136. 12. 2
To be paid to Cap <sup>t</sup> Benja Goodrich						136. 12. 2
Total . . . . .						3,682. 13. 0

And that the Province Treasurer be accordingly directed to pay the Several Parts or Portions of said Sum according to the foregoing Acco<sup>tt</sup> to the Several Persons as therein directed to be by them paid to the Several Persons to whom the Same is due & they to be accountable for their Doings therein. [Passed March 8.

## CHAPTER 267.

ORDER ALLOWING £15, AND VOTE ALLOWING AN ADDITIONAL SUM OF £112. 2. 6 TO ROBT BALL.

A PETITION of Robert Ball Keeper of the Light House shewing the Lowness of his Salary in proportion to the Necessary Expences of his Family & Praying for Augmentation of his Salary & his Charge of firing for the Lamps.

Legislative  
Records of the  
Council, xviii.,  
314. Mass.  
Archives,  
lxiv., 285.

Mass.  
Archives,  
lxiv., 283.  
House Jour-  
nal, pp. 230, 236.  
Province  
Laws, xiii., 684,  
chap. 272.

Read and

*Ordered* that the Pet<sup>r</sup> be allowed fifty Seven pounds 10/ for his last Year's allowance. Also

*Voted* that the Sum of one hundred and twelve pounds two Shillings and Six pence Old tenor, be allowed the Pet<sup>r</sup>, being so much expended by him for fire wood for the Benefit of the Lights. [Passed March 8.]

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## CHAPTER 268.

### ORDER IMPOWERING JABEZ FOX, ADMINISTRATOR, TO SELL LAND.

Legislative  
Records of the  
Council, xviii.,  
314. Mass.  
Archives,  
xviii., 241.

Mass.  
Archives,  
xviii., 240.  
Province  
Laws, ii., 151,  
chap. 10.  
*Ante*, p. 11,  
chap. 13.

A PETITION of Jabez Fox of Falmouth Administ<sup>r</sup> to the Estate of Benjamin Wright Dec<sup>d</sup> Shewing that he has been impowered by this Court to sell the real Estate of the said deceased, lying in the Town of Medfield, but there being some other small Pieces of Land lying in Dedham & Medway belonging to the said Estate, Therefore Praying that he may be impowered to sell them for Payment of the deceased's Debts.

Read and

*Ordered* that the Prayer of the Pet<sup>r</sup> be granted and that the Pet<sup>r</sup> be and he hereby is enabled to make Sale of the real Estate within mentioned He observing the rules and directions of the Law in that case provided. He also giving sufficient Security to the Judge of Probate for the County of Suffolk for the produce of s<sup>d</sup> Sale and that the overplus (if any there be after the Just Debts of the Intestate and Charges of Settling said Estate are paid) be divided to the Heirs of the s<sup>d</sup> Intestate pursuant to Law.<sup>1</sup> [Passed March 8.]

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## CHAPTER 269.

### ORDER ALLOWING £8 TO WM SWIFT AND VOTE DIRECTING HIM TO ENFORCE JUDGMENTS.

Legislative  
Records of the  
Council, xviii.,  
286. Mass.  
Archives,  
Ixix., 40.

House Jour-  
nal, p. 241.

A PETITION of William Swift of Sandwich, Shewing that in the Year 1742, he being Clerk of a Military Company in said Town, prosecuted divers Quakers, in the Law for not attending Military Duty, that the Proceedings on his Suits have been from Time to Time stayed by this Court till at length some of the said Persons are dead, & others removed out of the Province, praying that he may be allowed his Charges in the s<sup>d</sup> Affair by this Court.

Read and

*Ordered* that the Sum of Eight pounds be allowed the Pet<sup>r</sup> out of the publick Treasury in consideration of his Loss within mentioned. Also

*Voted* that the Pet<sup>r</sup> be directed and impowered to Pursue the Persons (who are now living) on the several Judgments herein mentioned. [Passed March 8.<sup>2</sup>

<sup>1</sup> Not found in the House Journal.

<sup>2</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is February 9.

## CHAPTER 270.

## VOTE FOR REPAIRING YE COURT HOUSE.

*Voted* that the late Court House in the Town of Boston be repaired as soon as conveniently may be & that one half the Charge thereof be born by the provincee the other half by the County of Suffolk & the Town of Boston. [Passed March 9.]

Legislative Records of the Council, xviii., 315. Mass. Archives, xlix., 211.  
House Journal, p. 243.  
*Ante*, p. 74,  
chap. lxxii.

## CHAPTER 271.

VOTE ESTABLISHING THE WAGES OF THE COMPANY OF CAP<sup>T</sup> ELEAZAR MELVIN AND PROVIDING PAY FOR CAPTIVES.

A PETITION of Cap<sup>t</sup> Eleazar Melvin, proposing to raise a Party of about five and twenty Voluntiers & with them to march to the Indians Settlements & their carrying Places, and praying for such Encouragement for this Service, as is particularly mentioned therein.

Read &

Legislative Records of the Council, xviii., 315.  
House Journal, p. 242.

*Voted*<sup>1</sup> that there be allowed as an Encouragem<sup>t</sup> to said Melvin & twenty five others, able bodied & effective men that shall appear voluntarily to go after the Indian Enemy for four Months, forty Shillings p Month, & Provisions for their March, to be taken at Fort Dummer, as also two pounds of Powder with a proportionable Quantity of Bullets & Flints to each man, And further that there be allowed & paid out of the publick Treasury to the said Melvin & Company, in equal Parts the Sum of Two hundred & fifty Pounds for each Prisoner or Scalp of s<sup>d</sup> Indian Enemy by them taken, upon Proof thereof be[ing] made to the Acceptance of the Governour & Council; And that said Melvin be allowed Twenty Shillings per Man for enlisting the said Voluntiers, saving that in Case said Melvin & Company should obtain an Indian Captive or Scalp for which they shall be entitled to the Bounty, that then their Wages & Subsistence Money, be deducted out of s<sup>d</sup> Sum, And that the said Melvin be directed to keep a fair Journal of his Marches, from Time to Time, & return the same to this Court. [Passed March 9.]

## CHAPTER 272.

ORDER GRANTING TO ABIG<sup>L</sup> BLODGET LICENCE TO KEEP AN INN.

A PETITION of Abigail Blodget of Woburn Widow of Nathan Blodget Deed Shewing that her said Husband kept an Inn in said Town, & since his Decease she has obtained the Approbation of the Select men of said Town to keep the same Inn; Praying that this Court would impower the Court of General Sessions of the Peace for the County of Middlesex at their next Session, to grant her a Licence.

Read and

Legislative Records of the Council, xviii., 315. Mass. Archives, exi., 150.  
House Journal, p. 242.

<sup>1</sup> The House Journal, p. 242, reads, “Ordered.”

*Ordered* that the Justices of the Gen<sup>t</sup>l Sessions of the Peace for the County of Middlesex be allowed and impowered to Grant the Pet<sup>r</sup> a Licence at their present Session if they See cause the time for granting Licences being elapsed notwithstanding. [Passed March 9.

## CHAPTER 273.

### VOTE FOR RAISING FORCES FOR YE DEFENSE OF THE EASTERN AND WESTERN FRONTIERS.

Legislative  
Records of the  
Council, xviii.,  
316. Mass.  
Archives,  
lxviii., 93.

House Jour-  
nal, pp. 242, 243.  
*Ante*, p. 89,  
chap. 220.

*Voted*, that his Excellency the Cap<sup>t</sup> General be desired to Cause and be forthwith enlisted or Impressed two hundred & Seventy seven men including forty four Inhabitants on the Western Frontiers (for Guards & Scouts) exclusive of the two hundred Men already established at N° 4 and fort Massachusetts (the two hundred Voluntiers on the Western frontier to be included in this Establishment); And that the Cap<sup>t</sup> General be desired to post them in the following manner Viz<sup>t</sup>

Thirty at fort Pellom

Thirty at fort Shirley

Fifteen at Cole Rain including ten Inhabitants

Twenty at Morrisons Blockhouse.

Twenty at Fall Town six of them to be Inhabitants

Ten of the Inhabitants of Green River to be placed there

Ten at Road Town five to be of the Inhabitants.

Ten at New Salem five to be of the Inhabitants

Twenty at fort Dummer

Fifty at Ashaelots

Ten at Townsend out Garrisons

Ten at the out Garrisons at Lunenburg

Twenty at Poquaioge eight of them Inhabitants

Two at Browns

Ten at Nichawoge

Ten at Narraganset N° 2

Also *Voted*, that his Excellency the Governour be Desired to send to the Government of Connecticut desiring them to furnish us with two hundred Men for said Western Frontier over and above the number before mentioned; And that his Excellency be desired to place them in the following manner Viz<sup>t</sup>

60 at Deerfield

60 at Northfield

and the other 80 to be posted in the most exposed places of New Hampton Blandford N° 1 & N° 2 Stockbridge & Colerain & Sheffield and that this Establishment inclnde the number already on the said Western Establishment so that the whole number on the Western frontier (including Voluntiers) & Connecticut men for forts Blockhouses Guards &c is to be six hundred & Seventyseven only and for the Defence of the Eastern Frontiers including the two hundred Voluntiers to be rais'd and those already on the Establishment.

*Voted*, that his Excellency the Cap<sup>t</sup> General be desired to cause to be Enlisted or Impressed for the forts Guards & Scouts on that frontier in the whole Seven hundred and thirty three men including one hundred & seventy seven of the Inhabitants: And that his

Excellency the Captain General be desired to post them in the following manner Viz<sup>t</sup> at the Fort & Blockhouse on St Georges.  
 River . . 70  
 at Pemaquid }  
 fort . . . } thirty  
 at Richmond — twenty four  
 at Fort George in }  
 Brunswick } twenty  
 at the Block house } twenty  
 at Saco River } Six at Kittery in the Out Garrisons  
 Forty at Berwick  
 Ten at York  
 forty at Wells  
 thirty at Arundle  
 forty at Biddeford  
 forty at Scarborough  
 fifty at Falmouth five of them to be at Ama-  
 conging  
 twenty of said fifty to be Inhabitants  
 fifty at North Yarmouth ten to be Inhabitants  
 twenty four at Gorham town fourteen of them  
 Inhabitants  
 twenty one at Saccarappa eleven to be Inhabi-  
 tants  
 twenty eight at New Marblehead eighteen to  
 be Inhabitants  
 Seventy at Brunswick New Meadows & Topsham  
 twenty five of them Inhabitants  
 fifty at George Town arrowsiek forty two of  
 them Inha<sup>ts</sup>  
 Seventy at Wic Casset Sheepscott Damaris-  
 cotta &c thirty seven of them to be Inhabi-  
 tants

The Establishment for these forces Eastward & Westward except  
 the four hundred Voluntiers aforesaid to expire the fifteenth of Octo-  
 ber next. [Passed March 10.

## CHAPTER 274.

### VOTE ALLOWING A BOUNTY TO OFFICERS FOR ENLISTING VOLUNTIERs.

*Voted* that there be Allowed & paid out of the Publick Treasury to the Officers who Shall receive beating Orders from his Excel<sup>ey</sup> the Gon<sup>r</sup> to Inlist Voluntiers for the Defence of the frontiers of this Province Agreeable to the Votes of this Court at their present Session The Sum of Ten Shillings last Emission for Each Able bodied & Effective man they Shall Inlist for that purpose. [Passed March 10.

Legislative Records of the Council, xviii., 317. Mass. Archives, Ixiii., 89.  
 House Jour. na, pp. 245, 246.  
*Ante*, p. 89, chap. 220.

## CHAPTER 275.

## ORDER ALLOWING £225. 19. 6 TO JABEZ BRADBURY.

Legislative  
Records of the  
Council, xviii.,  
317. Mass.  
Archives,  
lxixii., 45.

Mass.  
Archives,  
lxixii., 43-47.  
House Jour-  
nal, pp. 228, 241,  
245.

A PETITION of Jabez Bradbury Commander of the Fort at S<sup>t</sup> Georges River, Praying to be allowed his Accomp<sup>t</sup> of Charges of repairing the s<sup>d</sup> Fort by the Governour's Order since the Beginning of the War

Read and

*Ordered* that the Sum of two hundred twenty five pounds Nineteen Shillings and Six pence Old tenor be allowed the Petitioner out of the publick Treasury in full consideration of the within Account. [Passed March 10.]

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## CHAPTER 276.

## RESOLVE APPORTIONING THE EXPENSE OF REPAIRING THE COURT HOUSE AND VOTE APPOINTING A COMMITTEE TO HAVE CHARGE OF REBUILDING.

Legislative  
Records of the  
Council, xviii.,  
317. Mass.  
Archives,  
lxixii., 212.

House Jour-  
nal, p. 247.  
*Ante*, p. 107,  
chap. 270.

In the House of Rep<sup>rves</sup>

Whereas it has been determined by this Court that the late Court House should be repair'd, and that one half the Charge should be born by the County of Suffolk and the Town of Boston, but the proportion between the County and Town is not Settled by said Vote.

*Resolved* that one quarter part of the Charge of repairing s<sup>d</sup> House be born by the said County, and one quarter part by said Town. Also

*Voted* that M<sup>r</sup> Speaker M<sup>r</sup> Hubbard and M<sup>r</sup> Allen with such as the Hon<sup>ble</sup> Board shall Joyn be a Comm<sup>e</sup>e to Purchase and Procure proper Materials to Effect the repairs of said House agreeable to the Vote of the 10<sup>th</sup> Curr<sup>t</sup> Also to Prepare a Plan of the Inside Work that the room may be so dispos'd as will be most beneficial to the Province County and Town. And that they Lay the same before this Court, with an Estimate of the Charge at their next Sitting

In Council; Read & Concur'd & Jacob Wendell & Andrew Oliver Esq<sup>r</sup>s are joined in the Affair. [Passed March 10.]

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## CHAPTER 277.

## ORDER ALLOWING £55. 10 AND VOTES ALLOWING AN ADDITIONAL SUM OF £5 AND WAGES TO JEREMIAH VASS.

Legislative  
Records of the  
Council, xviii.,  
317. Mass.  
Archives,  
lxixii., 81.

Mass.  
Archives,  
lxixii., 82.  
House Jour-  
nal, pp. 231, 244.

A PETITION of Jeremiah Vass a Soldier under the Command of Cpt William Lithgo, Shewing that he was wounded by a Bullet shot thrô the Joint of his right Arm in a Fight with the Indian Enemy the last Year, whereby he is disabled from Labour, Therefore praying that the Accomp<sup>t</sup> of his Charge occasioned thereby may be allowed as also something for his Support.

Read and

*Ordered* that the sum of fifty five pounds ten Shill<sup>gs</sup> Old ten<sup>r</sup> be allowed the Pet<sup>r</sup> out of the Province Treasury in consideration of that Sum advanced to His Surgeon Also

*Voted* that He be allowed the sum of five pounds Bills of the last Emission out of the Treasury in consideration of his Sufferings herein mentioned.

*Voted* also that He be allowed Usual Wages till this time. [Passed March 10.

## CHAPTER 278.

### ORDER DIRECTING THE SELECTION OF A JURY IN SUFFOLK COUNTY TO TRY THE CAUSE IN BRISTOL COUNTY REFERRED TO IN THE PETITION OF GOVERNOR BELCHER.

THE COMMITTEE having heard the partys, on the Petition of his Excellency Gov<sup>r</sup> Belcher & carefully considered their pleas & allegations, humbly report, That they apprehend it will be proper for the Great & General Court, to direct & impower the Clerk of the superior Court of Judicature, Court of Assize & General Goal delivery, at the time of sending forth venires to the Several Towns in the County of Bristol for the next superior Court in s<sup>d</sup> County also to send venires to the Towns in the County of Suffolk, requiring them to appoint a sufficient number of Jurymen to attend the s<sup>d</sup> Court for the tryal of the Cause referred to in s<sup>d</sup> Petition at the next session of s<sup>d</sup> Court at Taunton, in & for s<sup>d</sup> County of Bristol, & that the Towns be required to appoint & the Jurymen to attend, under the same penaltys as in ordinary Cases; And in case of Challenge or failure other wise, that the member wanting be supply'd out of other inhabitants of s<sup>d</sup> County of Suffolk all which is submitted &c.

Legislative Records of the Council, xviii., 318. Mass. Archives, xlvi., 502.  
Mass. Archives, xlvi., 498. Legislative Records of the Council, xviii., 284. House Journal, pp. 195, 244. Ante, p. 55, chap. 138.

SAMUEL WELLES.

Read and

*Ordered* that this Report be accepted and that the Clerk of the Sup<sup>r</sup> Court of Judicature Court of Assize and Gen<sup>i</sup> Goal Delivery at the time of Sending forth Venires to the several Towns in the County of Bristol for the next Sup<sup>r</sup> Court in s<sup>d</sup> County be directed and impowered also to Send Venires to the Towns in the County of Suffolk requiring them to appoint a sufficient number of Jury Men to attend the s<sup>d</sup> Court for the tryal of the Cause refer<sup>d</sup> to in said Pet<sup>n</sup> at the next Session of said Court at Taunton, in and for said County of Bristol, and that the Towns be required to appoint and the Jury Men to Attend, under the same penalties as in ordinary cases: and in case of Challenge or Failure otherwise, that the number wanting be Supplyed out of other Inhabitants of said County of Suffolk. And the Tryal of the aforesaid Cause and all Proceedings consequent on such Tryal shall be deem'd and held as Valid to all Intents and Purposes, as if the Jurors in s<sup>d</sup> Cause had been Inhabitants of the County where the Lands lay. And the Justices of said Court are hereby Impowered in Taxing the Bill of Cost to make such allowance to the aforesaid Jurors in proportion to their extraordinary Travel as the s<sup>d</sup> Justices shall think reasonable. [Passed March 10.

## CHAPTER 279.

ORDER ON THE PETITION TO HAVE NATH WARDELL APPOINTED  
WEIGHER IN BOSTON.

Legislative  
Records of the  
Council, xviii.,  
319. Mass.  
Archives, i.,  
174.

Mass.  
Archives, i.,  
171. House  
Journal, p. 247.

A MEMORIAL of Francis Brinley Esq<sup>r</sup> & a great Number of others Inhabitants of divers Towns in the Neighbourhood of Boston complaining of a by Law made by the s<sup>d</sup> Town of Boston, respecting the weighing of Hay, & of the new Engine used in that Business (which does not make out the true Weight) & of the new Officer for that Service who does not give a punctual Attendance, And therefore praying that Nathanael Wardell, who has for many Years past been employed by the said Town in weighing of Hay, may be still allowed to weigh Hay with his own Engine (which the Petitioners apprehend to be very true) Notwithstanding the said By Law:

Read &

*Ordered* that the Memorialists cause the Select men of Boston to be forthwith served with a Copy of this Memorial, that so they may give in their Answer to the Complaint against the Engine for Weighing of Hay, & the Hay Weigher for not giving due Attendance in the said Business. [*Passed March 10.*

## CHAPTER 280.

## ORDER ALLOWING £4 TO DAVID WARREN.

Legislative  
Records of the  
Council, xviii.,  
319. Mass.  
Archives,  
lxxiii., 6.

Mass.  
Archives,  
lxxiii., 4.  
House Jour-  
nal, p. 244.

A PETITION of David Warren a Soldier who was captivated by the Enemy at the taking of Massachusetts Fort, Praying that he may be allowed for the Loss of his Money Cloaths & Gun taken from him by the Enemy

Read and

*Ordered* that the Pet<sup>r</sup> be allowed the Sum of four pounds out of the publick Treasury in consideration of the Loss of the Gun and Money herein mentioned. [*Passed March 10.*

## CHAPTER 281.

## ORDER OF NOTICE ON THE PETITION OF THE INHABITANTS OF NEW MARLBORO.

Legislative  
Records of the  
Council, xviii.,  
319. Mass.  
Archives, cxv.,  
239.

Mass.  
Archives, cxv.,  
237. House  
Journal, p. 245.

A PETITION of Nathan Rainsford & others Inhabitants of a new Township called New Marlboro. or Number Two, Shewing that as they are restrained in raising Money for defraying the Charges in the said Plantation, to the taxing of the House Lots only, It has proved an extreme Burthen to the Settlers; Praying for Releif from this Court.

Read and

*Ordered* that the Pet<sup>rs</sup> Insert the Substance of this Pet<sup>n</sup> in the Boston Gazette three Weeks successively, that so the Grantees (Non

Pet<sup>rs</sup>) may shew cause if any they have on the first fryday of the next May Session why the Prayer thereof should not be granted.  
[Passed March 10.]

## CHAPTER 282.

### ORDER ALLOWING £15. 11 TO POMPEY, A FREE NEGRO.

A PETITION of Seth Sumner Attorney to Pompey a free Negro & Ann his Wife, which Ann is Heir to Jesse Covet dec'd a Soldier in the late Expedition against Cape Breton; Praying that the Committee of War may be directed to pay the Petitioner for the Use of the said Pompey & Ann, the Wages remaining due to the s<sup>d</sup> Jesse Covet for his Service.

Read and

*Ordered* that the Comm<sup>ee</sup> of War be directed to allow the Pet' the Sum of fifteen pounds elevenpence As attorney to Pompey Negro and Anne His Wife, being so much due to Jesse Covit dec'd herein named. [Passed March 11.<sup>1</sup>

Legislative Records of the Council, xviii., 320. Mass. Archives, xxxi., 566. Mass. Archives, xxxi., 565. House Journal, p. 247. Province Laws, xiii., 465, chap. 1.

## CHAPTER 283.

### ORDER DIRECTING THE COMMISSARY GENERAL TO DELIVER A GUN TO MOSES RING.

A PETITION of Moses Ring shewing that in an Engagement with the Indian Enemy he split his Gun, Therefore praying that he may be allowed another Gun out of the publick Stores.

Read and

*Ordered* that the Commissary General be directed to deliver the Pet' or Order a good fire Lock out of the Province Store. [Passed April 6.

Legislative Records of the Council, xviii., 323. Mass. Archives, lxxiii., 102.

Mass. Archives, Ixiii., 102. House Journal, p. 249.

## CHAPTER 284.

### ORDER OF NOTICE ON PETITION OF THE AGENTS OF THE TOWN OF NORTH YARMOUTH TO CORRECT A MISTAKE IN A RECORD.

A PETITION of Nicholas Loring & Jeremiah Powell Esqr Agents for the Town of North Yarmouth, Shewing that in the Resettlement of the said Town, there were two Lots laid out, One to be the Proprietary of the first Settled Minister, the other for the Improvement of him & his Successor for the Time being, that in recording the said Allotments, there was a Mistake made by the Clerk, which the Proprietors by subsequent Votes have endeavoured to rectify, Praying that the said Votes may have the Sanction of this Court, or that the Town may be otherwise relieved in the Premises.

Read and

*Ordered* that the Pet<sup>rs</sup> serve Dorothy Cutter within named with

<sup>1</sup> Adjourned to April 5. See Legislative Records of the Council, xviii., 320.

Legislative Records of the Council, xviii., 324. Mass. Archives, cxv., 256.

Mass. Archives, cxv., 255, 257. House Journal, p. 252.

a copy of this Pet<sup>n</sup> that She Shew cause if any She hath on the first tuesday of the next May Session why the Prayer thereof Should not be granted. [Passed April 7.]

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## CHAPTER 285.

### ORDER IMPOWERING THE JUSTICES OF THE SUPERIOR COURT OF JUDICATURE TO AFFIRM A JUDGMENT.

Legislative  
Records of the  
Council, xviii.,  
324. Mass.  
Archives,  
xviii., 338.

Mass.  
Archives,  
xviii., 337.  
House Jour-  
nal, p. 257.

A PETITION of Thomas Paine of Boston Merchant, shewing that he did in the right of his Wife Eunice Payne, Execut<sup>x</sup> of the last Will & Testament of her Mother Abigail Treat Dec<sup>d</sup> at the Inferior Court of Common Pleas for the County of Suffolk, held in July last, commence an Action against Thomas White of Weymouth upon his Bond to the said Abigail, & recovered Judgment, upon which the said White appealed to the Superior Court held in Aug<sup>st</sup> last, but failed of prosecuting his Appeal, & at an Adjournment of the said Court in November following the Petitioner, his Wife being now dead, entered his Complaint against the s<sup>d</sup> White at the said Court as Administ<sup>r</sup> De Bonis non of the said Abigail, And the Court not thinking they had Power to proceed thereon, dismiss'd the said Complaint, And therefore Praying that this Court would empower the said Superior Court to Affirm the Judgment of the Inferior Court, or otherwise grant Releif to the Petitioner in the Premisses.

Read &

*Ordered* that the Justices of the Superior Court of Judicature &c for the County of Suffolk in their present Session be & hereby are impowered to affirm the Judgm<sup>t</sup> within mentioned, & award Execution thereupon accordingly. [Passed April 8.]

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## CHAPTER 286.

### ORDER ALLOWING £12. 10 TO JOB STANWOOD.

Legislative  
Records of the  
Council, xviii.,  
325. Mass.  
Archives,  
ixxiii., 128.

Mass.  
Archives,  
ixxiii., 128.  
House Jour-  
nal, pp. 250, 254.  
Province  
Laws, xiii., 465,  
chap. 1. *Ante*,  
p. 8, chap. 4.

A PETITION of Job Stanwood a Soldier in the late Expedition ag<sup>st</sup> Cape Breton, Praying for some further Allowance from this Court in Consideration of the Loss of his left Arm in that Service

Read and

*Ordered* that the Committee of War be directed to allow the Pet<sup>r</sup> the Sum of twelve pounds ten Shillings<sup>1</sup> for his relief for the Year

1748. [Passed April 8.]

## CHAPTER 287.

### ORDER ALLOWING £4. 10 TO AMOS PRATT.

Legislative  
Records of the  
Council, xviii.,

A PETITION of Amos Pratt, praying for some Allowance from this Court on Account of his Loss by the Death of his Son who was

<sup>1</sup> Legislative Records of the Council, xviii., 325, reads, £5. 10.

taken by the Enemy when Massachusetts Fort fell into their hands, & died in Captivity, having a Gun & Blanket which the Petitioner supplied him with.

326. Mass.  
Archives,  
lxixiii., 118.

House Journal,  
pp. 253, 254.

Read and

*Ordered* that the Treasurer be directed to Pay the Pet<sup>r</sup> the sum of four pounds ten Shillings in full discharge for his Sufferings herein mentioned. [Passed April 8.]

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## CHAPTER 288.

### ORDER ALLOWING £16. 5 AND A FURTHER AMOUNT OF £12. 10 TO JON<sup>A</sup> STANHOPE.

A PETITION of Jonathan<sup>1</sup> Stanhope, shewing that he was wounded by the Indian Enemy & his Arm broke, so that he was in a very languishing Condition divers Months & at great Expence, Praying that his Accompt thereof may be allowed & other Provision may be made for his Relief.

Legislative  
Records of the  
Council, xviii.,  
326. Mass.  
Archives,  
lxixiii., 74.

Read and

*Ordered* that the Treasurer be directed to Pay the Pet<sup>r</sup> the Amount of the Annexed Acc<sup>t</sup> being Sixteen pounds five Shillings. And that He also allow the Pet<sup>r</sup> twelve pounds ten Shillings for his present Relief. [Passed April 8.]

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## CHAPTER 289.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE PETITION OF JOHN SAUNDERS & OTHERS IN REGARD TO A TOWN MEETING IN HAVERHILL.

A PETITION of John Saunders & a great Number of others, Inhabitants of the Town of Haverhill, Setting forth the irregular & illegal Proceedings of the Town Meeting (held there the first Instant) in the Choice of Officers & other Matters, & Praying that all the Proceedings of that Meeting may be set aside, another Meeting called, & that some suitable Person be appointed by this Court, may be Moderator of the said Meeting.

Legislative  
Records of the  
Council, xviii.,  
318, 326. Mass.  
Archives, cxv.,  
310.

Mass.  
Archives, cxv.,  
288-309. Legislative  
Records of the Council,  
xviii., 323.  
House Journal,  
pp. 245, 250,  
256.

The Committee to whom was referred the Petition of John Saunders & Peter Ayers for themselves, & others Freeholders & others of Haverhill &c. relating to the Conduct of the Town of Haverhill in the Choice of Town Officers in March last, having heard the Parties, & fully considered the Affair, Report that the Town Meeting held there on the first of March last, be set aside, & that the Select men for the Year 1747, grant a new Warrant for the Choice of all ordinary Officers that Towns by Law are enabled to chuse, to Assemble & meet at the usual Place of Meeting in said Town, some Time in the present Month of April; said Meeting to be regulated agreeable to Law, The Time for Choice of Town Officers being elapsed Notwithstanding: All which is humbly submitted

By Order of the Board JOSEPH WILDER.

Read &

*Ordered* that this Report be accepted. [Passed April 8.]

<sup>1</sup> The House Journal, pp. 253, 254, reads, "John."

## CHAPTER 290.

## ORDER ALLOWING £11. 19 TO DR. JOHN MELLEN.

Legislative  
Records of the  
Council, xviii.,  
347. Mass.  
Archives,  
lxxiii., 121.

House Jour-  
nal, pp. 221, 255.

A PETITION of Dr John Millins;<sup>1</sup> praying that his Acco<sup>mpt</sup> of Medicines & Attendance on the sick & wounded Officers & Soldiers on the Western Frontiers, Amounting to the Sum of £11. 19 herewith exhibited may be allowed

Read and

*Ordered* that the Pet<sup>r</sup> be allowed out of the publick Treasury the Sum of Eleven pounds Nineteen Shillings Old ten<sup>r</sup> in full consideration of the Acc<sup>t</sup> herewith presented. [Passed April 8.<sup>2</sup>

## CHAPTER 291.

## ORDER WITH STAY OF PROCEEDINGS APPOINTING A COMMITTEE ON THE PETITION OF JOHN VARNUM AND OTHERS OF DRACUT IN REGARD TO A MEETING HOUSE.

House Jour-  
nal, p. 254.  
Mass.  
Archives,  
cxliv., 82.

A PETITION of John Varnum, and sundry other Inhabitants of Dracut, representing the Difficulties they labour under, about statuting the Place for building a Meeting House in said Town, and praying this Court would appoint a Committee to view the said Town, and determine the Place, or that they may be otherways relieved.

In the House of Rep<sup>res</sup> Read and

*Ordered* that Col<sup>o</sup> Richards and Mr Brewer with such as shall be Joyn'd by the Hon<sup>ble</sup> Board be a Comm<sup>ee</sup> to View the Scituation and Cireumstances of the Town of Dracut at the Charge of the Pet<sup>rs</sup> and report what they Judge proper for this Court to do on this Pet<sup>n</sup> And all Proceedings respecting building a Meeting House in s<sup>d</sup> Town of Dracut are Stayed in the mean time

In Council Read and Concurred and James Minot Esq<sup>r</sup> is joined in the affair. [Passed April 9.<sup>3</sup>

## CHAPTER 292.

## VOTE ALLOWING £100 TOWARDS BUILDING A COURT HOUSE.

Legislative  
Records of the  
Council, xviii.,  
324. Mass.  
Archives,  
lxxix., 216.

House Jour-  
nal, p. 257.  
*Ante*, p. 110,  
chap. 276.

*Voted* that the Treasurer be directed to Pay into the hands of the Committee for purchasing and procuring Materials for building a Court House the Sum of One hundred pounds out of the Appropriation for payment of matters & things for which there is no Establishment. The said Comm<sup>ee</sup> to be accountable. [Passed April 9.<sup>4</sup>

<sup>1</sup> The signature in Mass. Archives, lxxiii., 121, is given "Mellen."

<sup>2</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is April 23.

<sup>3</sup> This date is according to Mass. Archives; according to the House Journal the date is April 7.

<sup>4</sup> This date is according to Mass. Archives; according to Legislative Records of the Council and the House Journal the date is April 8.

## CHAPTER 293.

## ORDER ALLOWING £15 TO ELEA. RICE.

A PETITION of Francis Whipple in behalf of Eleazar Rice of Westborō, praying that a Grant made by both Houses to the said Rice of Fifteen Pounds which was destroyed when the Court House was burnt, may be now revived, that so he may receive the s<sup>d</sup> Sum of the Treasury.

Read and

*Ordered* that the Treasurer be directed to Pay into the hands of M<sup>r</sup> Francis Whipple above named the Sum of fifteen pounds for the Use of the said Eleazar Rice. [Passed April 9.]

Legislative Records of the Council, xviii., 327. Mass. Archives, lxxxvii., 43.

Mass. Archives, lxxxvii., 43. House Journal, p. 257. *Ante*, p. 28, chap. 62.

## CHAPTER 294.

## VOTE ALLOWING £16 TO MOSES RICE.

Voted that the Sum of Sixteen pounds be allowed out of the publick Treasury to Moses Rice in full Satisfaetion for Forrage of Soldier's Horses in the Service of the Province at Charlemont and Damages done to His Flax by the said Horses and the Province Cattle being drove thrō it, in their way to Fort Massachusetts. [Passed April 9.<sup>1</sup>]

Legislative Records of the Council, xviii., 342. Mass. Archives, lxxiii., 123.

Mass. Archives, lxxiii., 122. House Journal, pp. 179, 257.

## CHAPTER 295.

ORDER ALLOWING 30/- TO JAM<sup>S</sup> SAWYER.

A PETITION of James Sawyer, Praying that he may be allowed five Weeks boarding & attending on John Dunham a Seaman taken sick on board the Boston Paequet in the Service of the Province.

Read and

*Ordered* that the Pet<sup>r</sup> be allowed thirty Shillings in full satisfae-  
tion for his Expence in Entertaining the within named John Dun-  
ham. [Passed April 9.<sup>2</sup>]

Legislative Records of the Council, xviii., 333. Mass. Archives, lxiv., 287.

Mass. Archives, lxiv., 286, 288. House Journal, pp. 250, 258.

## CHAPTER 296.

ORDER IMPOWERING JOSIAH SARTEL AND LYDIA SHEPLE, ADMIN-  
ISTRATORS, TO EXECUTE A DEED OF LAND.

A PETITION of Aaron Woods of Groton, shewing that he purchased of Cpt. John Sheple of said Place twenty five Acres of Land & took his Deed for the same since which the said Sheple

Legislative Records of the Council, xviii., 292. Mass.

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is April 21.

<sup>2</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is April 15.

Archives,  
xvi., 173.

Legislative  
Records of the  
Council, xviii.,  
328. House  
Journal,  
pp. 261, 262.

is deceased, that the Petitioners House was burnt in May last, & therein the said Deed destroyed, not having been put upon Record, Praying that this Court would impower the Administ<sup>r</sup>s of the said Sheple's Estate to execute another Deed of the said Land.

Read, and it appearing to the Satisfaction of the Court, that the Loss of the withinmention'd Deed happen'd as Set forth in the petition, and Josiah Sartel and Lydia Sheple administrators of the withinnam'd dece'd Jonathan, and John Gilson, Guardian of William a Son of the Said dece'd and the other heirs, having been duly Serv'd with a Copy of the petition, and the Said Administrors and Guardian having Signified under their hands, their Consent to the Same, and none of the others objecting any thing thereto; It is therefore

*Ordered* That the Prayer of the petition be granted and that the Said Josiah Sartel and Lydia Sheple, in their Capacity of admors, be and hereby are allow'd and impower'd to make and execute, in due form of Law, a Deed of the twenty five Acres of Land within mention'd, to the petitioner Aaron Woods; and that Such Instrument, being duly acknowledged and recorded in the Registry of Deeds for the County of Middlesex, Shall make a good Title to the Said Aaron and his heirs and Assigns. [Passed April 11.]

## CHAPTER 297.

### ORDER ALLOWING ONE MONTH'S WAGES TO JOS<sup>A</sup> KEITH.

Legislative  
Records of the  
Council, xviii.,  
330. Mass.  
Archives,  
lxxiii., 125.

Mass.  
Archives,  
ixxiii., 125.  
House Jour-  
nal, p. 262.

A MEMORIAL of Josiah Edson Esq<sup>r</sup><sup>1</sup> shewing that One Josiah Keith a Soldier in the Pay of the Province was by Mistake carried out in the Mnster Roll, one Month short of the Time he was in the Service, Praying in his behalf that his Wages may be made up to him.

Read and

*Ordered* that Josiah Kieth be allowed out of the publick Treasury One Month's Usual Wages for his Service. [Passed April 13.]

## CHAPTER 298.

### ORDER DIRECTING THE COMTEE FOR REPAIRS OF THE COURT HOUSE TO PROCEED TO THE REBUILDING THEREOF.

Legislative  
Records of the  
Council, xviii.,  
330. Mass.  
Archives,  
lxxix., 215.

Mass.  
Archives,  
xlix., 214.  
House Jour-  
nal, p. 264.  
*Ante*, p. 110,  
chap. 276;  
p. 116, chap.  
292.

THE COMMITTEE appointed the 10<sup>th</sup> of March last to procure Materials to effect the Repairs of the Court House, & to prepare a Plan, & make an Estimate of the Charge have divers times met & consulted Workmen thereupon & beg Leave to Report; That in Obedience to the Order of the Hon<sup>ble</sup> General Court, they have taken Measures for procuring the Lumber needful for this Purpose, & have actually agreed for a great part of it.

The Committee herewith present a Plan of the Inside Work which they apprehend will be the most commodious, & best answer the Design of the Building; And upon the best Information they can obtain they Judge that the said Repairs will Amount to Eighteen

<sup>1</sup> The House Journal, p. 262, reads, "Jun."

thousand, one hundred & four Pounds old Tenor, as by the Estimate herewith.

March. 31, 1748. All which is humbly submitted  
JACOB WENDELL *¶* Order

Read and

*Ordered* that the Committee be directed to proceed & cause the Court House to be rebuilt agreeable to the Plan laid before the Court with this Report. [Passed April 13.]

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## CHAPTER 299.

### ORDER ALLOWING £25 TO M<sup>R</sup> JOHN PHILLIPS.

Legislative Records of the Council, xviii., 331. Mass. Archives, xii., 449. House Jour. nal, p. 265.

*Ordered* that the Sum of twenty five pounds be allowed out of the publick Treasury to M<sup>r</sup> John Phillips Chaplain of His Majes Castle William in consideration of his extraordinary expences in that Station in the Year past. [Passed April 13.]

## CHAPTER 300.

### ORDER ALLOWING £3 TO JAM<sup>S</sup> PIERCE.

Legislative Records of the Council, xviii., 331. Mass. Archives, ixiii., 105. Mass. Archives, ixiii., 105. House Jour. nal, pp. 265, 268. Ante, p. 48, chap. 120.

A PETITION of James Pierce a Seaman in the late Expedition against Cape Breton, shewing that he contracted a Sickness in the said Service, which has disabled him from doing anything for his Maintenance, praying for an Allowance from this Court.

Read and

*Ordered* that the Committee of War be directed to Pay the Pet<sup>r</sup> a further Sum of three pounds for His Relief. [Passed April 14.]

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## CHAPTER 301.

### ORDER ALLOWING £50 TO CPT THOS BRADBURY.

A PETITION of Cap<sup>t</sup> Thomas Bradbury Commander of the Block house on Saco River, shewing the Need there is, for sundry Repairs to be made there, & of a Wharff to be built for landing the Stores as also of a Boat for transporting them, Praying that an Allowance may be made out of the publick Treasury to pay the Charge thereof

Read and in Answer hereto

*Ordered* That the Pet<sup>r</sup> be allowed out of the publick Treasury twelve pounds ten Shillings to build a Wharffe. As also the Sum of twenty pounds for Pallisading Shingling and repairing said House. As also the Sum of Seventeen pounds ten Shillings for building a Boat for the purposes herein mentioned. [Passed April 14.]

## CHAPTER 302.

Legislative Records of the Council, xviii., 331. Mass. Archives, lxxiii., 135.

VOTE DIRECTING THE COM<sup>TEE</sup> OF WAR TO LAY BEFORE THE COURT ACCO<sup>T</sup> OF PROVISIONS AND STORES PURCHASED FOR THE EXPIDITION AGAINST CROWN POINT.

House Journal, p. 269. Province Laws, xiii., 596, chap. 8.

*Voted* that the Comm<sup>ee</sup> of War be directed to lay before this Court in the best manner they are able a particular Account of the Provisions and Stores that have been purchased and procured for the intended Expedition ag<sup>t</sup> Crown Point, and are not disposed of, and the condition they are in at present. [*Passed April 14.*

## CHAPTER 303.

## ORDER APPOINTING A COMMITTEE ON THE AFFAIR OF JOB AHAUTON, INDIAN.

Legislative Records of the Council, xviii., 331. House Journal, pp. 262, 267, 268.

A PETITION of Job Ahauton of Middlebor<sup>o</sup> Indian, shewing that a Committee of the General Court sold some of the Petitioner's Land to Capt Ebenezer Robinson for which he has the said Robinson's Bond, And the Petitioner being obliged to take up several things of the said Robinson he has given him his Bond for the Same, by which the Accompt between them, may be too difficult for the Petitioner to adjust, Therefore praying that a Committee of this Court may be appointed to Settle the said Accompt.

Read &

*Ordered* that Josiah Edson Jun<sup>r</sup> Esq<sup>r</sup> be appointed to inquire into the Matter contained in this Petition, & if he find the Debt of the said Job to Capt<sup>n</sup> Robinson, to be just & legal, to order the same to be allow'd out of the Bond of the said Robinson, which by Order of this Court is now in the hands of George Leonard Esq<sup>r</sup>. [*Passed April 14.*

## CHAPTER 304.

## ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE NATICK PARISH MEETING, AND CALLING A NEW MEETING.

Legislative Records of the Council, xviii., 333, 335. Mass. Archives, xii., 482, 484, 485.

MEMORIAL of Ebenezer Felch, John Goodenow & Stephen Baison a Committee for the Parish of Natick, Setting forth the irregular Proceedings of a Meeting held there on the 21<sup>st</sup> of March last; Praying that they may be set aside, & that a new Meeting may be called.

Joseph Wilder Esq<sup>r</sup> from the Committee on the Petition of Ebenezer Felch & others of Natick gave in their Report. Read &

*Ordered* that this Report<sup>1</sup> be Accepted, & that the whole of the Proceedings of the Parish of Natick on the 21<sup>st</sup> of March last, be & hereby are superseded & set aside, & that the Parish Committee for the last Year, as soon as may be, call another Meeting of the said Parish for the Choice of Parish Officers for the present Year, & to transact the other Affairs of the Parish. [*Passed April 14.<sup>2</sup>*

<sup>1</sup> No report has been found.

<sup>2</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is April 16.

## CHAPTER 305.

ORDER ALLOWING TO JOHN LARRABEE VICTUALLER, AN ADDITION OF 2/ PER MAN PER WEEK.

A PETITION of John Larrabee Victualler of the Garrison at Castle William, setting forth the great Rise of Provisions since the last Settlement of the Rate of victualling the said Garrison, And therefore praying that his Allowance may be proportionably advanced from the finishing of his last Aeeompt

Read and

*Ordered* that in consideration of the great advance of the Prices of Provisions The Pet<sup>r</sup> be allowed in making up his Account for Victualling said Garrison an Addition of two Shillings per man to the Stated Weekly allowance for Six Months Commencing from the 20<sup>th</sup> of Nov<sup>r</sup> last. [Passed April 15.

Legislative Records of the Council, xviii., 332. Mass. Archives, lxxiii., 131.

Mass. Archives, lxxiii., 130. House Journal, pp. 262, 269, 270. *Ante*, p. 8, chap. 5.

## CHAPTER 306.

ORDER ALLOWING £5 TO PETER RICH.

A PETITION of Peter Rich a Pensioner of this Government for many Years past by reason of Wounds received in the publiek Service, Shewing that his Pension has of late much fallen short of its first Value, by reason of the depreciating of the Bills, Therefore praying that it may be enlarged

Read and

*Ordered* that the Pet<sup>r</sup> be allowed five pounds for the present Year in full consideration for his Pension. [Passed April 15.

Legislative Records of the Council, xviii., 332. Mass. Archives, lxxiii., 137.

Mass. Archives, lxxiii., 137. House Journal, pp. 264, 266, 269. Province Laws, ix., 122, chap. 11.

## CHAPTER 307.

ORDER ALLOWING SUBSISTENCE TO ZECHERIAH DWINEL.

A PETITION of Jaebob Peabody in behalf of Zechariah Dwinel a Soldier in the Forces raised for the Canada Expedition, shewing that he has no Subsistence from the Governmt since the 5<sup>th</sup> of Aug<sup>st</sup> 1746, Praying that it may be now made up to him.

Read and

*Ordered* that the Pet<sup>r</sup> within named Zachariah Dwinell be allowed out of the publick Treasury Usual Subsistance<sup>1</sup> from Aug<sup>t</sup> 5<sup>th</sup> 1746 to the 8<sup>th</sup> of Nov<sup>r</sup> following. [Passed April 15.

Legislative Records of the Council, xviii., 333. Mass. Archives, lxxiii., 110.

Mass. Archives, lxxiii., 110, 111. House Journal, pp. 263, 270.

## CHAPTER 308.

ORDER ALLOWING THE USUAL WAGES TO WM WORSTER.

*Ordered* that William Worster a Soldier Who has been in the Service of the Province, be allowed Usnal Wages from March 7

Legislative Records of the Council, xviii., 333. Mass. Archives, lxxiii., 104.

<sup>1</sup> "Bubsistence," in Mass. Archives, lxxiii., 110.

Mass.  
Archives,  
lxxiii., 103.  
House Jour-  
nal, p. 271.

1744 to Aug<sup>t</sup> 1. 1745 out of the publick Treasury. He being made up short that time in the Muster roll of Cap<sup>t</sup> Dominicus Jordan. [Passed April 15.]

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## CHAPTER 309.

### ORDER ALLOWING £5 TO DAN<sup>L</sup> GARFIELD.

Legislative  
Records of the  
Council, xviii.,  
333. Mass.  
Archives,  
lxxiii., 113.

Mass.  
Archives,  
lxxiii., 113.  
House Jour-  
nal, pp. 253, 268.

A PETITION of Daniel Garfield, Praying for some Allowance out of the publick Treasury in Consideration of his Son Moses Garfield (upon whose Labour & Assistance he much depended for the Support of himself & Family) being so wounded by the Enemy in the publick Service as to be rendred in a great Measure unserviceable to him

Read and

*Ordered* that the Pet<sup>r</sup> be allowed to recieve out of the Province Treasury the Sum of five pounds in consideration of the Loss He has sustain'd by his Son's being Wounded in the Service of the Province. [Passed April 15.]

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## CHAPTER 310.

### ORDER IMPOWERING THE GUARDIANS OF NATICK INDIANS TO SELL LAND BELONGING TO ABIG<sup>L</sup> SPEEN TO PAY DEBTS.

Legislative  
Records of the  
Council, xviii.,  
333. Mass.  
Archives,  
xxxii., 529.

Mass.  
Archives,  
xxxii., 529.  
Legislative  
Records of the  
Council, xviii.,  
43. House  
Journal,  
pp. 266, 268.

A PETITION of Abigail Speen of Natick Indian, shewing that she being advanced to great Age, & not able to work for her Maintenance, has been for a considerable time supported by Joseph Graves, And therefore praying that she may be impowered to sell her Land at Natick, or so much of it as may be necessary to discharge her Debt to M<sup>r</sup> Graves & others, & give her a comfortable Support for the Time to come.

Read and

*Ordered* that the Guardians of the Natick Indians have liberty and power to Sell all the lands herein mentioned or such part of them as they shall Judge necessary to discharge the Just Debts, and for the comfortable Support of the Pet<sup>r</sup> The s<sup>d</sup> Guardians to be accountable to this Court for the Proceeds of said Sale. [Passed April 15.]

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## CHAPTER 311.

### ORDER ESTABLISHING THE RATE FOR BILLETTING SOLDIERS.

Legislative  
Records of the  
Council, xviii.,  
333. Mass.  
Archives,  
lxxiii., 115.

Mass.  
Archives,  
lxxiii., 113.

A PETITION of Col<sup>o</sup> Josiah Willard, Shewing that he has been put to great Difficulties respecting the billeting the Soldiers at Northfield & other Places, & Forts upon Connecticut River, & therefore Praying that the Accompt of their billeting, herewith exhibited, may be pass'd, & Allowance made thereof according to Agreement, & further Supply made.

Read and

*Ordered* that those Persons in the Town of Northfield who have billeted Soldiers by agreement with the within named Josiah Willard be allowed Seven Shillings  $\frac{1}{2}$  Week for said Billeting.

House Jour.  
nal, p. 268.

And that the Accounts and Vouchers be laid before the Committee for examining the Billeting Accounts for their examination. And that the Sums that yet remain due and that may be granted, be made payable to the said Col<sup>o</sup> Josiah Willard for the Use of the Persons to whom the same is due. And that the Commissary General be directed to take speedy and effectual care that the Forts within mentioned be Supplyed with Provision in the best manner He is able. [Passed April 15.]

## CHAPTER 312.

ORDER SETTING OFF EBENEZER BEAL AND OTHERS WITH THEIR FAMILIES AND ESTATES FROM THE SECOND PRECINCT IN HINGHAM TO THE FIRST PRECINCT.

A PETITION of Ebenezer Beal, Daniel Beal & Jeremiah Stodder [Jun.] all of Hingham second Precinct, shewing their inconvenient Situation for Attending the publick Worship in said Precinct; and Praying that they may be set off from said Precinct, & annexed to the first Precinct in said Town.

Legislative  
Records of the  
Council, xviii.,  
283. Mass.  
Archives, xi.,  
405.

Read and

*Order'd* that this Report be accepted and that the Petitioners with their Families and Estates, mention'd in the petition, be and hereby are Set of from the Second Precinct and annex'd to the first Precinct in Hingham, to do Duty and receive Privilege there as the other Inhabitants of Said Precinct; and that the Petitioners be exempt from paying any Tax made or granted Since the third of February last, accordingly. [Passed April 15.]<sup>1</sup>

Mass.  
Archives, xii.,  
404, 406. Legis-  
lative Records  
of the Council,  
xviii., 340.  
House Jour-  
nal, p. 271.

## CHAPTER 313.

VOTE FOR PAYING SUNDRY ACCOT<sup>S</sup> FOR BILLETING CANADA SOLDIERS.

*Voted* that there be allowed & paid out of the publick Treasury to the several Persons hereafter named for billeting the Canada Soldiers between the last of Febr<sup>y</sup> & the 20<sup>th</sup> of October last, vitz

Legislative  
Records of the  
Council, xviii.,  
334.

To Cap<sup>t</sup> Kent One hundred & forty four Weeks five days at six Shillings & three pence  $\frac{1}{2}$  Week, Fifty five Pounds four Shillings & five pence.

House Jour-  
nal, p. 259.

Aaron Shelden ten Weeks at Ditto. Three Pounds two Shillings & sixpence.

Susanna Remington Nineteen Weeks at Ditto Five Pounds eighteen Shillings & nine pence. Aaron Hitchcock, three Weeks at Ditto, Eighteen Shillings & nine pence Thomas Norton Five Weeks & one day at ditto, One pound twelve Shillings & one penny James Barlow, Three Weeks at ditto, Eighteen Shil-

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is April 20.

lings & nine pence; Dudley Kent Five Weeks & one day at Ditto, One pound twelve Shillings & one penny

Benjamin Kent, Twenty five Weeks six days at Ditto Eight Pounds one Shilling & nine pence Jonathan Remington ten Weeks six Days at Ditto, Three Pounds seven Shillings & six pence Suffield.

Cap<sup>t</sup> Solomon Keyes thirty four Weeks six days (Brookfield) Ten Pounds eighteen Shillings. Lieut<sup>t</sup> David King five hundred forty Eight Weeks (Westfield) at Ditto, Seventy Seven Pounds eleven Shillings & eight Pence.

M<sup>r</sup> John Brewer Eighty five Weeks two day[s] (Number two) at seven Shillings and six pence, Nineteen Pounds Sixteen Shillings & nine pence.

Cap<sup>t</sup> William Brentnal Sixteen Weeks at six Shillings & three pence, Five Pounds

And also that there be allowed for travelling Expences of said Canada Soldiers within the Term aforesaid, viz<sup>t</sup> To Cap<sup>t</sup> Samuel Kent, as p his Accompt Eleven Pounds one Shilling half penny. Cap<sup>t</sup> Solomon Keyes, Thirty three Pounds fourteen Shillings & eleven pence Lieut<sup>t</sup> David King, Thirteen Pounds three Shillings & one penny half penny. M<sup>r</sup> John Brewer, Four Pounds nine Shillings & four pence half penny. Cap<sup>t</sup> William Brentnal, Twelve Pounds Nineteen Shillings & six pence Aaron Shelden One Pound eight Shillings & nine pence. [Passed April 16.

## CHAPTER 314.

### ORDER DECLARING THE PROCEEDINGS OF TOWN MEETINGS HELD AT UPTON, NULL AND VOID, AND CALLING A NEW MEETING.

Legislative  
Records of the  
Council, xviii.,  
335.  
Mass.  
Archives, exv.,  
316-321. House  
Journal,  
pp. 271, 272.  
Province  
Laws, II., 30,  
chap. 22; III.,  
425, chap. II.

A PETITION of John Sadler & others of the Town of Upton, Complaining of illegal Proceedings of a Meeting of the Inhabitants of said Town in March last; Praying that they may be declared null & void, & that the Proceedings in a former Meeting held in April, 1746, may be confirmed. Read &

*Ordered* that both the Meetings of the Town of Upton, within refer'd to, be set aside, & all Elections & Votes therein passed, made void & of none Effect; And that the Select men of the said Town of Up[t]on for the Year, 1747, be & hereby are empowered & directed to call a Town Meeting there, as soon as may be, And that the s<sup>d</sup> Meeting be governed & managed according to the Directions of the Laws of this Province, And that the regular Proceedings of said Meeting, shall be deemed as good & valid, as if the same had been held in the Month of March. And whereas it appears to be some time since a Valuation was made in that Town, that the Assessors for the Year, 1747, be directed forthwith to make a new one according to Law, & that the afores<sup>d</sup> Meeting be regulated by the same. [Passed April 16.

## CHAPTER 315.

ORDER DIRECTING YE PROVINCE TREAS<sup>R</sup> HOW TO PAY OFF SOLDIERS & MARINERS.

WHEREAS the Act made in the Eighteenth year of his present Maj<sup>s</sup> Reign Entituled An Act to Regulate the pay of Sold<sup>r</sup>s & Marin<sup>r</sup>s & to prevent Fraud therein is Expired And there is no particular Direction Given by this Court how the Province Treasurer Shall proceed in the paying of Sold<sup>r</sup>s & Marriners Therefore

Legislative Records of the Council, xviii., 335. Mass. Archives, lxxiii., 142.

House Jour-  
nal, pp. 266, 267.  
Province Laws, iii., 211,  
chap. 28.

*Voted* That the province Treasurer be & hereby is Directed to pay to the Several Sold<sup>r</sup>s & Marriners Appearing in person or to their Order The Sums that Shall Appear to be due to them upon the Several Muster Rolls from time to time without requiring Any Certificate of their Having been in the Service of y<sup>e</sup> Government.  
[Passed April 16.]

## CHAPTER 316.

## ORDER APPOINTING A COMMITTEE TO DEMAND ACCOUNTS FROM PERSONS ADVANCED MONEY FOR ENLISTING SOLDIERS, ETC.

IN COUNCIL; Whereas there have been divers Sums of Money advanced out of the publick Treasury to Officers & others for inlisting of Soldiers for the late Expedition ag<sup>st</sup> Cape Breton, & the late intended Expedition ag<sup>st</sup> Canada, & for other Services for promoting the said Expedition; altho the Persons who have received the publick Money as aforesaid have long since been required by Advertisements in the News Papers to render their Accompts of the Expence thereof to the Committee of Council, yet the greatest part of them have wholly neglected to do it by which means, it is apprehended, that a considerable Sum of Money due to the Province is kept out of the publick Treasury, Therefore

Legislative Records of the Council, xviii., 336.

House Jour-  
nal, p. 275.

*Voted* that John Osborne, Jacob Wendell & Ezekiel Cheever Esq<sup>rs</sup> with such as shall be Joined by the hon<sup>ble</sup> House of Represent<sup>ves</sup> be & hereby are authorized & impowered to demand & receive of the Persons aforesaid the Accompts of the Expence of the Money by them received out of the publick Treasury as aforesaid, & upon receiving the said Accompts to lay them before the Governour & Council to be settled & Adjusted by them, & after Adjustm<sup>t</sup> thereof to receive, & if need be to recover in the Law the Ballances of such Accompts in favour of the Province, & to deliver the same to the Treasurer, taking his Receipt therefor; And that the said Committee be also impowered & directed to sue in the Law such Persons as refuse or neglect to render their Acco<sup>ts</sup> as aforesaid on or before the last day of July next; & what Money they shall recover, pay into the Treasury as aforesaid; In the House of Represent<sup>ves</sup> Read & Concur'd & M<sup>r</sup> Allen, M<sup>r</sup> Russell, M<sup>r</sup> Hubbard & Maj<sup>r</sup> White are joined in the Affair. [Passed April 19.]

## CHAPTER 317.

## ORDER IN REGARD TO DELINQUENT CONSTABLES &amp; COLLECTORS.

Legislative  
Records of the  
Council, xviii.,  
336.

House Jour.  
nal, pp. 274, 275.  
*Ante*, p. 102,  
chap. 260.

WHEREAS by a Vote of this Court of the second of March Instant it was Ordered that in Case any Constable or Collector of any Town or District in this Province shall on the first day of May next be deficient for any part of the Province Taxes before the year, 1747, that in such Case the Treasurer be directed without delay to issue forth Execution against such deficient Constable or Collector, and it is apprehended that a strict Conformity to said Order may subject the Constables or Collectors to special Difficulty & needless Expence; to prevent which

*Ordered* that in such Cases of Deficiency as aforesaid the Treasurer be directed to delay issuing the Executions against such delinquent Constables or Collectors till the first day of June next & no longer the aforesaid Order Notwithstanding. [Passed April 19.]

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## CHAPTER 318.

ORDER ALLOWING 50/ TO SAM<sup>L</sup> STEVENS.

Legislative  
Records of the  
Council, xviii.,  
337.

House Jour.  
nal, pp. 266, 274.

A PETITION of Samuel Stevens, praying that he may be allowed for his Time & Expence in attending the General Court in April last by special Order of Mr Burrill Chairman of a Committee of said Court. Read &

*Ordered* that the Petitioner be allowed out of the publick Treasury Fifty shillings in Consideration of his Travel & Expences within mentioned. [Passed April 19.]

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## CHAPTER 319.

## ORDER OF NOTICE ON THE PETITION OF AARON HITCHCOCK, GUARDIAN, FOR POWER TO EXECUTORS TO SELL LAND.

Legislative  
Records of the  
Council, xviii.,  
337. Mass.  
Archives,  
xviii., 336.

Mass.  
Archives,  
xviii., 331-335.  
House Jour.  
nal, pp. 267, 273.

A PETITION of Aaron Hitchcock of Suffield, Gaurdian to Abigail & Elizabeth Hitchcock Minors, Daughters & Coheirs of Jacob Hitchcock late of said Place dec<sup>d</sup> Shewing that the s<sup>d</sup> Jacob by his last Will impowered his Executors to dispose of so much of his real Estate as might be for the Benefit of his Son, now dec<sup>d</sup> that it will be necessary to sell some part of it for the Benefit of his Daughters, but the Circumstances of the Estate are such, as that it cannot be divided without great Injury, Therefore praying that the Executors may be impowered to make Sale of the whole.

Read and

*Ordered* that the Pet<sup>r</sup> serve the Executors within mentioned with a copy of this Pet<sup>n</sup> that they shew cause if any they have on the Second thursday of the next May Session why the Prayer thereof should not be granted. [Passed April 19.]

## CHAPTER 320.

VOTES IN REGARD TO THE ESTABLISHM<sup>T</sup> FOR MASS<sup>A</sup> FRIGATE, IMPRESSMENT, AND CRUISING.

*Voted* that the following Establishment of Wages & Subsistence be made for One hundred & forty men (Officers included) for the Massachusetts Frigate, to continue till the first of August next, viz<sup>t</sup> To the Captain Six pounds Seventeen Shillings & six pence, p month; Lieutenants Four Pounds thirteen Shillings & nine pence p month; Master, Four Pounds seven shillings & six pence p month, Docto[r], Four Pounds seven Shillings & six p month, Chaplain, Four Pounds seven Shillings & six pence p month; Gunner, Four Pounds two Shillings & six pence p month, Boatswain, Three pounds fifteen Shillings p month, Boatswain's Mate, three pounds five Shillings & six pence p month, Mate, three pounds eight shillings & nine pence p month, Steward, three pounds five shillings & six pence p month, Cook, three pounds five Shillings & six pence p Month, Gunner's Mate, three pounds five Shillings & six pence p month; Pilot, Four Pounds seven Shillings & six pence p month; Carpenter, Three pounds fifteen Shillings p month, Cooper, Three pounds five Shillings & six pencee, p month; Armourer, Three pounds five Shillings & six pence p month; Coxswain, three pounds five Shillings & six pence p month; Two Quarter Masters, Each, three pounds five Shillings & six pence p month; four Midshipmen, Each three pounds five Shillings & six pence p month, Common Sailors, Each, Three pounds two shillings & six pence p month.

Legislative Records of the Council, xviii., 338.

Mass. Archives, ixiv., 289. House Journal, pp. 275, 276. Ante, p. 45, chap. III.

Also

*Voted* that the Captain General be desired forthwith to give Orders that the aforesaid Number of Seamen may be enlisted, on board the Province Ship, & that if a sufficient Number of Seamen do not appear to enlist, he would then with the Advice of his Majesty's Council, issue out his Warrant for an Impress for as many Seamen as shall be needed to make up her Compliment, that the Ship may be at Sea as soon as may be: And whereas at this Season of the Year, there is usually great Danger attending our Navigation, more especially, Our Coasting Vessels with Provisions in their Return from the Southward, even as far as from Virginia.

Therefore

*Voted* that the Captain General be desired to give Orders to the Commanding Officers of said Vessel, to make his first Cruize along Shoar, between the Capes of Virginia & Cape Cod, as at present there seems our more immediate Danger. [Passed April 20.]

## CHAPTER 321.

VOTE TRANSFERRING £1,380 FROM APPROPRIATION FOR GRANTS TO APPRO<sup>A</sup> FOR PAY OF YE MEMBERS OF BOTH HOUSES.

Legislative Records of the Council, xviii., 338.

*Voted* that the Sum of One thousand three hundred & eighty Pounds be transfer'd from the Appropriation for Grants, to the Appropriation for Payment of the Members of the Council & House of Represent<sup>ves</sup>. [Passed April 20.]

House Journal, p. 277. Province Laws, iii., 376, chap. 13.

## CHAPTER 322.

ORDER GRANTING TO JON<sup>A</sup> LORING LICENCE TO RETAIL LIQUOR.

Legislative Records of the Council, xviii., 330. Mass. Archives, exi., 151.  
House Journal, p. 277.

A PETITION of Jonathan Loring of Marlboro<sup>r</sup> Retailer, shewing that he removed out of the House where he has retailed, by Licence, strong Drink for divers Years past, into his own House, but a few rods distant from the other House, praying that his Licence may be continued notwithstanding his Removal as abovementioned.

Read and in Answer

*Ordered* that the Pet<sup>r</sup> be allowed to retail Strong Liquors in the House He now dwells in till the time for granting Licences in July next. [Passed April 20.]

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## CHAPTER 323.

## ORDER IN REGARD TO TAX OF CERTAIN FAMILIES TAKEN FROM MEDWAY AND ADDED TO WRENTHAM.

Legislative Records of the Council, xviii., 325. Mass. Archives, exv., 218.  
Mass. Archives, exv., 217. Legislative Records of the Council, xviii., 339. House Journal, pp. 255, 278. Province Laws, xiii., 555, chap. 244. Ante, p. 20, chap. 39.

A PETITION of John Barber Represent<sup>ves</sup> of the Town of Medway shewing that in the Year 1745, the General Court set off six Families from Medway to Wrentham there to do Duty & receive Priviledge, but the Valuation of their Estate being contained in Medway's last Valuation, Medway has been taxed for their Estate, Therefore praying that the Part of the Tax belonging to the said Six Families may be taken from Medway & added to Wrentham.

Read again and it appearing that the Select Men of Wrentham have been Served with a copy of this Pet<sup>n</sup> but no answer given in.

*Ordered* that the Prayer of the Petition be granted. [Passed April 20.]

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## CHAPTER 324.

## ORDER IMPOWERING JOS. SNELLING, GUARDIAN, TO SELL REAL ESTATE.

Legislative Records of the Council, xviii., 339. Mass. Archives, xviii., 340.  
Mass. Archives, xviii., 339-342. House Journal, pp. 270, 277. Province Laws, ii., 151, chap. 10.

A PETITION of Joseph Snelling of Boston, Gaurdian of the three Sons Jonathan, John & Thomas Snelling Minors, shewing that they are entitled to one sixth Part of the real Estate of their late Grand-father Thomas Verien late of Boston Deed which consists of a Mansion House & Land, & Wharves & Flatts contiguous, which house & wharves are much out of Repair, Therefore praying that he may be impowered as Gaurdian to Join with the rest of the heirs in Selling the said Estate, which will be for the Good of the said Minors.

Read and

*Ordered* that the Guardian within named be allowed and impowered in his Capacity to Sell that part of the Estate within mentioned which belongs to the said Minors for the most it will fetch. He Observing the Directions of the Law in that Case provided. And giving Sufficient Seurity to the Judge of Probates for the County of Suffolk to Pay the said Minors their respective Shares with Interest as they respectively arrive at Age. [Passed April 20.]

## CHAPTER 325.

ORDER FOR SERVING RUM INSTEAD OF BEER FOR SAILORS ON BOARD THE MASS<sup>A</sup> FRIGATE AND ALSO DIRECTING THE SALE OF CLOTHING AND MEDICINES PROVIDED FOR THE FORCES AT LOUISBURG.

*Ordered* that the Commissary Gen<sup>l</sup> be directed to Provide Rum for the Service of the Mass<sup>a</sup> Frigate in Lieu of Beer. And that each Officer and Sea Man be allowed the like value in Rum, that the Usual allowance of Beer would amount to. Also

*Ordered* that a Suitable quantity of y<sup>e</sup> Cloathing provided for the Forces at Louisburg, be put into the hands of a proper person to be accountable therefor; and that the same be delivered out to any of the Sea Men, who shall desire it, at the wholesale price. And the Comm<sup>ee</sup> app<sup>ted</sup> to report what they Judge proper for this Court to do respecting said Cloathing, are directed to Cause to be Valued the several pieces of Cloathing to be delivered as aforesaid And the said Comm<sup>ee</sup> are likewise directed to dispose of said Cloathing for the most the same will fetch; and also of any Medicines that may have been provided, and not expended.

They to render an Accompt of their doings herein to this Court.  
[Passed April 20.]

Legislative Records of the Council, xviii., 340. Mass. Archives, lxiv., 295.

House Journal, p. 278.

## CHAPTER 326.

VOTE DIRECTING THE COMMISS<sup>RS</sup> FOR SETTLING THE LAND BANK OR MANUFACTORY SCHEME AFFAIRS TO LAY Y<sup>R</sup> ACCOT BEFORE Y<sup>E</sup> COURT.

*Voted* that the Commissioners appointed to adjust and Settle the Affairs of the late Land Bank or Manufactory Scheme be directed to lay before this Court at the next May Session an Accompt of the several Sums they have received and discharged themselves of by virtue of their said Appointment. [Passed April 21.]

Legislative Records of the Council, xviii., 341. Mass. Archives, cii., 377.

House Journal, p. 280. Province Laws, xiii., 548, chap. 225.

## CHAPTER 327.

ORDER ALLOWING £31. 0. 6 TO DAVID KING AND OTHERS.

AN ACCOMPT of the travelling Expences of David King & other Officers in the Service of this Government, Amounting to the Sum of £31. 0. 6.

[Read and]

*Ordered* that the Sum of Thirty one Pounds & six pence be allowed out of the publick Treasury to Thomas Ingersole Esq<sup>r</sup> to discharge the above Accompt.<sup>1</sup> [Passed April 21.]

Legislative Records of the Council, xviii., 341.

<sup>1</sup> Not found in the House Journal.

## CHAPTER 328.

## ORDER ABATING THE PROVINCE TAX OF THE TOWN OF CHELSEA.

Legislative  
Records of the  
Council, xviii.,  
341.

House Jour.  
nal, pp. 267, 278.

A PETITION of Mr Thomas Pratt Representative of the Town of Chelsea, shewing in behalf of the said Town, that in the last general Valuation, their Estate was set considerably too high (as they apprehend) by reason of their not having any Person to represent them in General Court, & they have been accordingly over taxed ever since; Praying for an Abatement of their Tax. Read &

*Ordered* that the Town of Chelsea be abated ten shillings in a thousand Pound in the next Province Tax. [Passed April 21.]

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## CHAPTER 329.

ORDER ALLOWING £4 TO ALEX<sup>A</sup> TARRANT.

Legislative  
Records of the  
Council, xviii.,  
342. Mass.  
Archives,  
lxixii., 144.

Mass.  
Archives,  
lxixii., 143.  
House Jour.  
nal, p. 279.  
Ante, p. 49,  
chap. 121.

A PETITION of Alexander Tarrant, a Soldier in the late Expedition against Cape Breton, shewing that he still remains a Cripple by reason of the Wounds he received in that Service, praying for some further Allowance

Read and

*Ordered* that the Committee of War be directed to allow the Petitioner four pounds for his relief.<sup>1</sup> [Passed April 21.]

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## CHAPTER 330.

## ORDER ALLOWING £33. 4. 6 FOR BILLETING CANADA SOLDIERS.

Mass.  
Archives,  
cxlvii., 82.

*Ordered* that the Sum of thirty three pounds four shillings and Six pence Old tenor be allowed out of the publick Treasury and paid the Accomptants respectively in full discharge of the above written <sup>2</sup> Acc<sup>ts</sup>.<sup>3</sup> [Passed April 21.]

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## CHAPTER 331.

Legislative  
Records of the  
Council, xviii.,  
343.

House Jour.  
nal, p. 281.  
Province  
Laws, iii., 334,  
chap. 25.

ORDER TRANSFERRING £800 FROM THE APPRO<sup>A</sup> WHERE THERE IS NO ESTABLISHMT TO CAPE BRETON APPRO<sup>A</sup>.

*Ordered* that the Sum of Eight hundred Pounds be transferred from the Appropriation for the Payment of Services &c. by Order of the Court for which there is no Establishmt & appropriated to pay such Charges as have arisen by the late Expedition against Cape Breton. [Passed April 22.]

<sup>1</sup> The allowance of £4 not found in the House Journal.

<sup>2</sup> These accounts may be found in Mass. Archives, cxlvii., 82.

<sup>3</sup> Not found in the House Journal, Legislative Records of the Council or Executive Records of the Council, nor Treasurer's Account.

## CHAPTER 332.

VOTE FOR ADVANCING THE WAGES OF THE FORCES OF THE FRONTIERS.

*Voted* that the Wages of the Forces upon the Frontiers of this Province be advanced as follows Viz Forty Shillings per month for each private Centinel and the Officers in proportion to Commence with the present Establishment. [Passed April 22.]

Legislative Records of the Council, xviii., 343. Mass. Archives, lxxiiii., 147.

House Journal, p. 282. *Ante*, p. 108, chap. 273.

## CHAPTER 333.

ORDER ALLOWING £10 TO MOSES ROBINSON.

A PETITION of Moses Robinson Chirurgeon, shewing that he has had the Care of divers Soldiers that were wounded by the Enemy, & has effected their Cure, praying to be allow'd the Sum of Ten Pounds for the said Service.

Read and

*Ordered* that the Pet<sup>r</sup> be allowed out of the publick Treasury ten pounds in full Satisfaction for the Services within mentioned. [Passed April 22.]

Legislative Records of the Council, xviii., 343. Mass. Archives, lxxiiii., 332.

Mass. Archives, lxxiiii., 330-335. House Journal, p. 282.

## CHAPTER 334.

ORDER APPOINTING PERSONS TO TAKE THE VALUATION OF RATEABLE ESTATES AT NATICK.

A PETITION of David Morse & others of Natick, Shewing that there has been no Valuation of the Estate of the Inhabitants there, since Natick has been made a Parish; And for as much as this Court has Ordered a Meeting to be held in said Parish, praying that a Valuation may be taken before the said Meeting, for regulating the Qualification of the Voters.

Read and

*Ordered* that Ebenezer Felch and John Sawin two of the Assessors of Natick for the Year 1747 together with M<sup>r</sup> William Greenwood of Sherburne be directed forthwith to take the Valuation under Oath of all the rateable Estates in Natick, by which Valuation the next Parish Meeting shall be regulated. [Passed April 22.]

Legislative Records of the Council, xviii., 323. Mass. Archives, cxv., 328.

Mass. Archives, cxv., 328. House Journal, pp. 281, 282. *Ante*, p. 120, chap. 304.

## CHAPTER 335.

ORDER ALLOWING £116. 13. 10 TO JN<sup>O</sup> NOYES ESQ<sup>R</sup>.

A PETITION of John Noyes Esq<sup>r</sup> late Truck Master at St George's River, shewing that he has a Demand upon the Province for his Salary & other Services, & money paid by him agreeable to an Acco<sup>mpt</sup> here-with exhibited; <sup>1</sup> Praying that the Commissary General in Settling his Acco<sup>mpts</sup> of the Truck Trade, may be directed to allow what is due to him by the Acco<sup>mpt</sup> first mentioned.

Legislative Records of the Council, xviii., 343. Mass. Archives, cxix., 400.

Mass. Archives, cxix., 399-401.

<sup>1</sup> This account may be found in Mass. Archives, cxix., 401.

House Jour-  
nal, p. 281.

Read and

*Ordered* that the Commissary Gen<sup>l</sup> be directed in Settling Aect<sup>s</sup> with the Pet<sup>r</sup> to allow him One hundred and Sixteen pounds thirteen Shillings and ten pence Old tenor in full consideration of the Aect herewith Exhibited. [Passed April 22.]

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## CHAPTER 336.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE STORES AT ALBANY.

Legislative  
Records of the  
Council, xviii.,  
344. Mass.  
Archives,  
lxixiii., 146.

Legislative  
Records of the  
Council, xviii.,  
340. House  
Journal,  
pp. 274, 275, 283.  
Province  
Laws, xlii., 697,  
chap. 304.

THE COMMITTEE to whom was referr'd the Commissary General's Accompot together with Mr Commissary Emerson's Letter & Papers relating to the Provisions & Stores at Albany report their Opinion, That the Committee of War be directed to give Orders forthwith to Mr Commissary Emerson, to get such Provisions repack'd as stand in Need of it, & to sell what Provisions he can, there, Provided it can be done at a Price equal to what it will fetch at Boston, having a just Regard to the Freight, Risque & other necessary Charges, & that without Loss of Time, as for those Provisions represented quite bad, to sell them for the most they will fetch, but if they will yeild Nothing, then to get them regularly Condemned & a proper Certificate under Oath returned to the Committee of War, And that his Excellency be desired to give Orders for securing & safe keeping the warlike Stores, now lying at Albany to some proper Person there, that so the Commissary may be discharged, And the Committee of War send for the Remainder of the Provisions to Boston in the cheapest way they can, & dispose of them for the Province's most Advantage, The Committee to be Accountable.

In the Name of the Committee

J. OSBORNE.

Read and

*Ordered* that this Report be accepted. [Passed April 23.]

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## CHAPTER 337.

### ORDER WITH STAY OF EXECUTION REFERRING Y<sup>E</sup> PETITION OF JAMES ALLEN, ESQ<sup>R</sup>, FOR REVIEW OF A JUDGMENT.

Legislative  
Records of the  
Council, xviii.,  
334, 344.

Mass.  
Archives, xlvi.,  
634-643. House  
Journal,  
pp. 271, 274, 283,  
286.

A PETITION of James Allen of Boston Esqr Shewing that in a Trial of a Cause between the Petitioner & Richard Hood Shipwright, at the Superior Court held at Boston in August last it so happen'd that the Petitioner could not have the Benefit of his Evidence, & therefore praying that he may be enabled to review the Judgment obtain'd against him [in] that Court, that the Judges may be impowered to try the said Cause, & that Execution may be stayed, he giving Bond as usual.

Read with the Answer of Richard Hood &

*Ordered* that the Consideration of this Petition be refer'd to the next May Session & that Execution be stayed in the mean time, Provided the Petitioner give Bond to the Respondent Richard Hood, to pay double Interest, until the Court shall determine on this Petition, in Case the Prayer thereof should not be granted. [Passed April 23.]

## CHAPTER 338.

VOTE DIRECTING THE PAYMENT OF BILLETING MONEY TO THE INHAB<sup>TS</sup> OF SUFFIELD.

*Voted* that the Treasurer be directed to pay Cpt. Lyman the Billeting Money granted to the Inhabitants of Suffield, to be by him repaid to the several Persons to whom the same is due. [Passed April 23.

Legislative Records of the Council, xviii., 344.  
House Journal, p. 284.

## CHAPTER 339.

VOTE ALLOWING ACCOT OF BILLETING CANADA SOLDIERS.

A GENERAL ACCOMPT of billeting Soldiers raised for the Expe-  
dition ag<sup>st</sup> Canada, & employed on the Frontiers in the Service of  
the Province.

*Voted* that the within Accompt of billeting Canada Soldiers between the last Day of Febr<sup>y</sup> 1746, & the 16<sup>th</sup> of October following, amounting to four hundred & sixty one Weeks & two Meals, be allowed at six Shillings & three pence p<sup>w</sup> Week (except<sup>g</sup> David Pixley's Accompt of Eleven Weeks & one day, which is allowed at Seven Shillings & six pence p<sup>w</sup> Week, & William Lampson's Accompt of Twenty nine Weeks & two days, & James M<sup>c</sup>Clin-tock's Acco<sup>t</sup> of Twenty nine Weeks & five days at Seven Shillings p<sup>w</sup> Week) to be paid by the Treasurer to the several Persons as Enter'd in the Margin of the Accompt, & by them to the respective Persons to whom it is due.<sup>1</sup> [Passed April 23.

Legislative Records of the Council, xviii., 344.

*Ante*, p. 123,  
chap. 313.

## CHAPTER 340.

ORDER DIRECTING THE PROVINCE TREASURER TO CREDIT TO HIS ACCOUNT ALL AMOUNTS UNPAID ON MUSTER ROLLS AND IN FUTURE TO CHARGE ONLY ACTUAL PAYMENTS THEREON.

IT BEING REPRESENTED that it has been the Practice for several Years past to charge in the Treasurer's Accompts the Foot or whole Amount of the Muster Rolls, for which, there have been Warrants for Payment, & it being probable y<sup>t</sup> some of the Soldiers Pay by reason of their Death, & having no Heirs, or by some other means may remain in the Treasury; Therefore

Legislative Records of the Council, xviii., 344.

House Journal, p. 284.

*Ordered* that the Treasurer be directed in his next Accompt, to carry to the Credit of the Province, such Sums as may remain unpaid<sup>2</sup> on the several Muster Rolls as aforesaid, & that for the future, he charge on all Muster Rolls, such Sums only as shall be actually paid. [Passed April 23.

<sup>1</sup> Not found in the House Journal.

<sup>2</sup> *Ste*; the House Journal, p. 284, reads, "unpaid."

Legislative  
Records of the  
Council, xviii.,  
345. Mass.  
Archives, eii.,  
378.

House Jour-  
nal, p. 284.  
Province  
Laws, iii., 331,  
chap. 25. *Ante*,  
p. 118, chap.  
298.

## CHAPTER 341.

### VOTE ALLOWING £500 TOWARDS REBUILDING THE COURT HOUSE.

*Voted* that the Treasurer be directed to Pay into the hands of the Comm<sup>ee</sup> for rebuilding the late Court House the Sum of five hundred pounds Such Sum to be taken out of the Appropriation where there is no Establishment. The S<sup>d</sup> Comm<sup>ee</sup> to be accountable. [Passed April 23.]

## CHAPTER 342.

### ORDER DIRECTING THE COMMISSARY GENERAL TO SETTLE THE ACCOUNT OF EBENEZER PROUT.

House Jour-  
nal, p. 168 (Feb-  
ruary, 1746).  
Mass.  
Archives,  
lxixiii., 117.

Mass.  
Archives,  
lxixiii., 116.  
House Jour-  
nal, p. 234 (Feb-  
ruary, 1746);  
pp. 248, 261, 284.  
Province  
Laws, xiii., 494,  
chap. 77.

A MEMORIAL of *Ebenezer Prout*, a Commissary in the late Expedition against *Cape-Breton*, representing sundry Difficulties he labours under with Relation to his Accounts; praying the Consideration and Relief of this Court, for the Reasons mentioned.

Read and

*Ordered* that the Commissary Gen<sup>l</sup> be directed to Settle the Memorialist's Accompt agreeable to the Order of this Court of August 2<sup>d</sup> 1745 by allowing and paying him for the Rum Mollosses and Beer which He shall make appear to have actually delivered, over and above what He has rec'd as a Commissary in the Expedition.<sup>1</sup> [Passed April 23.]

## CHAPTER 343.

### ORDER DIRECTING THE SECRETARY TO DELIVER ORIGINAL PAPERS ACCOMPANYING THE PETITION OF GOVERN<sup>R</sup> BELCHER.

Legislative  
Records of the  
Council, xviii.,  
345.

House Jour-  
nal, p. 284.  
*Ante*, p. 111,  
chap. 278.

*Ordered* that the Secretary be directed to deliver the Original Papers accompanying the Petition of Governor Belcher, & the Answer to the respective Parties concerned therein, upon their Application to him therefor, they leaving with him Attested Copies of the same at their own proper Charge. [Passed April 23.]

## CHAPTER 344.

### ORDER ALLOWING £15 AND THE FURTHER SUM OF £162. 10 TO MELET<sup>A</sup> BOURN.

Legislative  
Records of the  
Council, xviii.,  
285, 346.

Legislative  
Records of the  
Council, xviii.,  
309. House  
Journal,  
pp. 196, 210, 234  
284.

A PETITION of Meletiah Bourn a Commissary in the late Expedition against Cape Breton; setting forth the great Difficulties he labours under by reason of a Prosecution in the Law respecting his Doings in that Service, pursuant to the Orders of the General [Court], and the Com<sup>ee</sup> of War, praying that this Court would consider the said Affair & give Order thereon.

*Voted* that agreeable to the Report of the Committee on the third of March last, then accepted by the House & the hon<sup>ble</sup> Board, on

<sup>1</sup> Not found in Legislative Records of the Council.

the Petition of Melatiah Bourn, That there be paid out of the Province Treasury the Sum of Fifteen Pounds, in full of said Bourn's Cost, he has already been at in his Law Suit in s<sup>d</sup> Petition mentioned; Also that said Bourn be allowed out of the Treasury the further Sum of One hundred & sixty two pounds ten Shillings, PROVIDED he undertake to defend said Suit on the Appeal mentioned in his Petition, & the Province be indemnified from any Cost & Damages that may arise thereon for the future, & that he give Security for his so doing. [Passed April 23.]

## CHAPTER 345.

Legislative Records of the Council, xviii., 346.

ORDER SUBSTITUTING MR ROYAL FOR MAJOR BRADFORD ON THE COMMITTEE ON THE AFFAIR OF IPSWICH & ROWLEY.

Legislative Records of the Council, xviii., 346. Mass. House Journal, pp. 18, 283. Province Laws, xiii., 695, chap. 301.

*Ordered* that M<sup>r</sup> Royal be of the Comm<sup>tee</sup> to repair to Ipswich & Rowley agreeable to the Order of this Court of y<sup>e</sup> second of June last in the room of Major Bradford, who declines that Service. [Passed April 23.]

## CHAPTER 346.

ORDER OF NOTICE ON THE PETITION OF JOS. EPHRAIM & OTHERS, INDIANS, IN REGARD TO FISHING PRIVILEGES.

A PETITION of Joseph Ephraim & others of Natick Indians, Complaining against Ebenezer Felch & other English Men of said Place, for depriving them of their Right & Benefit of Fishing in said Place, by drawing Seins in their Ponds &c. Praying for Redress from this Court.

Legislative Records of the Council, xviii., 346. Mass. Archives, xxxi., 575.

Read and

*Ordered* that the Pet<sup>rs</sup> serve Ebenezer Felch with a copy of this Pet<sup>n</sup> that He shew cause if any He hath on the first fryday of the next May Session why the Prayer thereof should not be granted. [Passed April 23.]

Mass. Archives, xxxi., 574. House Journal, p. 281.

## CHAPTER 347.

ORDER WITH STAY OF PROCEEDINGS APPOINTING A COMMITTEE ON THE PETITION OF JOHN VARNAM &c OF DRACUT IN REGARD TO BUILDING A MEETING HOUSE.

A PETITION of John Varnam & sundry others Inhabitants of the Town of Dracutt, representing the Difficulties the said Town is under by reason of their Disappointment respecting the Place for building their Meeting House on for the Worship of God, And therefore praying that this Court would appoint a Committee to view the said Town & determine upon the most suitable Place, or otherwise order for the Settling of the said Point.

Legislative Records of the Council, xviii., 346. House Journal, p. 254. Ante, p. 116, chap. 291.

In the House of Represent<sup>ves</sup> Read &

*Ordered* that Col<sup>o</sup> Richards & M<sup>r</sup> Brewer with such as shall be joined by the hon<sup>ble</sup> Board, be a Committee to view the Situation & Circumstances of the Town of Dracutt, at the Charge of the

Petitioners & report what they judge proper for this Court to do thereon, & all Proceedings respecting the building a Meeting House in said Town, are stayed in the mean Time.

In Council; Read & Concur'd &<sup>1</sup> Esqr is joined in the Affair.  
[Passed April 23.]

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## CHAPTER 348.

### VOTE ALLOWING DAVID INGERSOLE HIS ACCOMPT.

Legislative  
Records of the  
Council, xviii.,  
347.  
House Jour.  
nal, p. 274.

AN ACCOMPT presented by David Ingersole of Billeting Soldiers in the County of Hampshire, as also of Disbursements made by him for supplying the said Soldiers with Rum & other things

Read &

*Voted* that this Accompt be allowed, & the within named David Ingersole be allowed usual Billeting for Eight Hundred & sixty four Weeks & six days out of the publick Treasury. Also

*Voted* that the Sum of Forty Pounds fifteen Shillings be allowed the Accomptant in discharge for Rum & sundry other Disbursements.  
[Passed April 23.]

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## CHAPTER 349.

### ORDER ALLOWING £89. 1. 9 TO CPT. JN<sup>O</sup> STEVENS.

Legislative  
Records of the  
Council, xviii.,  
347.  
House Jour.  
nal, p. 281.

AN ACCOMPT presented by Cap<sup>t</sup> John Stevens of the Charge of Billeting Soldiers raised for the late intended Expedition against Canada, Amounting to the Sum of £89. 1. 9.

[Read and]

*Ordered* that the Accomptant be allowed Eighty nine Pounds one Shilling & nine pence in full Satisfaction of the said Accompt.  
[Passed April 23.]

<sup>1</sup> *Sic*; no name is given in either copy of Legislative Records of the Council.

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RESOLVES, ORDERS, VOTES,  
ETC.

PASSED 1748-49.



# LEGISLATIVE LIST<sup>1</sup>

FOR

1748-49.

HIS EXCELLENCY WILLIAM SHIRLEY,  
CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC.

JOSIAH WILLARD, ESQ.,  
SECRETARY OF THE PROVINCE.

## COUNCILLORS OR ASSISTANTS.

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of the Massachusetts Bay;*

JOHN OSBORNE	} ESQRS.	DANIEL RUSSELL	} ESQRS.
EZEKIEL LEWIS		SAMUEL DANFORTH	
FRANCIS FOXCROFT		WILLIAM FOYE	
JOSIAH WILLARD		JOHN GREENLEAF	
JACOB WENDELL		SAMUEL WATTS	
SAMUEL WELLES		JOHN QUINCY	
THOMAS BERRY		JOHN CHANDLER	
JOSEPH WILDER		EZEKIEL CHEEVER	
BENJAMIN LYNDE		JOSEPH PYNCHON	

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of New Plimouth;*

JOHN CUSHING	} ESQRS.	SYLVANUS BOURN	} ESQRS.
GEORGE LEONARD		JOHN OTIS	

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Province of Main;*

SIR WILLIAM PEPPERELL, BARONET, JEREMIAH MOULTON & JOHN HILL, ESQRS.

*Of the Inhabitants of or Proprietors of Lands within the Territory lying between the River of Sagadahock & Nova Scotia;*

JOHN WHEELWRIGHT, ESQ.

<sup>1</sup> See Legislative Records of the Council, xviii., 348-351.

*For the Province, at large:—*

JAMES MINOT & ANDREW OLIVER, ESQRS.

REPRESENTATIVES OR DEPUTIES.

May 25, 1748 to April 22, 1749.

MR. THOMAS HUTCHINSON, SPEAKER.

COUNTY OF SUFFOLK.

Boston, . . .	Thomas Hutchinson, Esq.,
	James Allen, Esq.,
	Thomas Hubbard, Esq.,
	Mr. John Tyng.
Roxbury, . . .	Joseph Heath, Esq.
Dorchester, . . .	Capt. Robert Spur.
Milton, . . .	Samuel Miller, Esq.
Brantley, . . .	William Hunt, Esq.
Weymouth, . . .	Adam Cushing, Esq.
Hingham, . . .	Benjamin Lincoln, Esq.
Dedham, . . .	Joseph Richards, Esq.
Medfield, . . .	Capt. Samuel Morse.
Wrentham, . . .	Mr. John Goldsbury.
Stoughton, . . .	John Shephard, Esq.
Medway, . . .	Mr. John Barber.
Chelsea, . . .	Mr. Thomas Pratt.

COUNTY OF ESSEX.

Salem, . . .	Capt. John Gardner,
	Mr. James Jeffry.
Ipswich, . . .	John Choate, Esq.
Newbury, . . .	Joseph Gerrish, Esq.,
	Col. Moses Titcomb.
Lyn, . . .	William Collins, Esq.
Marblehead, . . .	Major Jacob Fowles.
Andover, . . .	Capt. Nathaniel Frie.
Beverly, . . .	Robert Hale, Esq.
Roxbury, . . .	John Hobson, Esq.
Salisbury, . . .	Mr. Stephen Merrill.
Haverhill, . . .	Capt. Nathaniel Peaslee.
Glocester, . . .	Capt. James Davis.
Amesbury, . . .	Thomas Rowell, Esq.
Boxford, . . .	Mr. Benjamin Porter.
Topsfield, . . .	Mr. Jacob Peabody.
Bradford, . . .	Mr. William Hardy.
Middleton, . . .	Mr. Isaac Wilkins.

COUNTY OF MIDDLESEX.

Cambridge, . . .	Andrew Boardman, Esq.
Charlestown, . . .	Isaac Royall, Esq.,
	Mr. James Russell.
Watertown, . . .	Mr. Jonas Bond.
Conecord, . . .	Mr. Ephraim Jones.
Woburn, . . .	Mr. Josiah Pierce.
Reading, . . .	Capt. Thomas Eaton.
Newton, . . .	Thomas Greenwood, Esq.
Sudbury, . . .	Ephraim Curtis, Esq.
Groton, . . .	William Lawrence, Esq.
Marlborough, . . .	Mr. Samuel Witt.
Billerica, . . .	Joseph Thompson, Esq. <sup>1</sup>
Framingham, . . .	Joseph Buckminster, Esq.
Lexington, . . .	Mr. Isaac Brown. <sup>2</sup>
Chelmsford, . . .	Capt. Samuel Chamberlain.
Malden, . . .	Joses Bucknam, Esq.
Weston, . . .	Mr. Joseph Livermore.
Medford, . . .	Andrew Hall, Esq.
Littleton, . . .	Mr. Jonathan Prescott.
Sherburn, . . .	Mr. Isaac Coolidge.
Stow, . . .	Mr. Phinehas Rice.
Dracut, . . .	Capt. John Colburn.
Westford, . . .	Thomas Read, Esq.
Waltham, . . .	Capt. John Brown. <sup>3</sup>

COUNTY OF HAMPSHIRE.

Springfield, . . .	John Worthington, Esq.
Northampton, . . .	John Stoddard, Esq.
Hadley, . . .	Eleazar Porter, Esq.
Hatfield, . . .	Israel Williams, Esq.
Westfield, . . .	Mr. David Moseley.
Suffield, . . .	Capt. Phinehas Lyman.
Enfield, . . .	Elijah Williams, Esq.
Deerfield, . . .	Mr. David Field. <sup>4</sup>

<sup>1</sup> The Town History of Billerica, p. 304, gives the name as Benjamin Tompson.

<sup>2</sup> Hudson's History of Lexington, p. 408, gives the name as Isaæ Bowman.

<sup>3</sup> The House Journal, p. 4, adds the name of Mr. Jacob Foster as the representative from Holliston. The Holliston Town History List, p. 332, begins with the year 1769.

<sup>4</sup> The House Journal, p. 4, adds the name of Mr. Daniel Burt as the representative from Brimfield. The History of Brimfield, p. 355, reads, "no representative sent."

## COUNTY OF WORCESTER.

*Worcester*, . . Benjamin Flag, Esq.  
*Lancaster*, . . Capt. William Richardson.  
*Mendon*, . . Mr. Nathanael Nelson.  
*Brookfield*, . . Joseph Dwight, Esq.  
*Shrewsbury*, . Nahum Ward, Esq.

## COUNTY OF PLIMOUTH.

*Plimouth*, . . Thomas Foster, Esq.  
*Scituate*, . . Capt. Caleb Torrey.  
*Duxbury*, . . Gamaliel Bradford, Esq.  
*Marshfield*, . John Little, Esq.  
*Bridgewater*, . Capt. Daniel Howard.  
*Middleborō*, . Mr. Samuel Bennett.  
*Pembroke*, . . Isaace Little, Esq.  
*Plimpton*, . . Mr. William Churchhill.

## COUNTY OF BARNSTABLE.

*Barnstable*, . . James Otis, Esq.  
*Sandwich*, . . Samuel Tupper, Esq.  
*Yarmouth*, . . Major Joseph Thatcher.  
*Eastham*, . . Samuel Knowles, Esq.

COUNTY OF BARNSTABLE — *Concluded.*

*Harwich*, . . Joseph Freeman, Esq.  
*Falmouth*, . . Rowland Robbinson, Esq.

## COUNTY OF BRISTOL.

*Taunton*, . . James Williams, Esq.  
*Rhoboth*, . . Capt. Daniel Carpenter.  
*Dartmouth*, . . Capt. Nathanael Sole.  
*Norton*, . . Mr. Benjamin Cobb.  
*Attleborough*, . Capt. Samuel Tyler.  
*Dighton*, . . Mr. Elnathan Walker.  
*Freetown*, . . Mr. John Winslow.  
*Swansey*, . . Esee Brown, Esq.

## COUNTY OF YORK.

*York*, . . . Capt. Thomas Bragdon.  
*Kittery*, . . Simon Frost, Esq.  
*Wells*, . . John Storer, Esq.  
*North Yarmouth*, Jeremiah Powell, Esq.<sup>1</sup>

## FOR THE COUNTY OF NANTUCKETT.

*Sherburn*, . . Mr. Eleazar<sup>2</sup> Folger.

<sup>1</sup> The House Journal, p. 4, adds as representative from Falmouth, Enoch Freeman, Esqr.

<sup>2</sup> The House Journal, p. 4, reads, Abishai.



## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-FIFTH DAY OF MAY, A.D. 1748.

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### CHAPTER 1.

VOTE ALLOWING A BOUNTY OF £5 PER MAN TO VOLUNTIER'S ENLISTING ONE YEAR.

WHEREAS Provision was made by the Vote of this Court of the 18<sup>th</sup> of Feby last for allowing a Bounty to a Number of Men not exceeding four hundred Who should Enlist for three Years for the Service of the Frontiers. And it appearing that the Number of four hundred have not Yet Enlisted. Therefore

Legislative Records of the Council, xviii., 354. Mass. Archives, lxxiii., 160.

House Journal, p. 11.  
*Ante*, p. 89, chap. 220.

*Voted* that there be allowed five pounds to every able bodied Man who shall Enlist for one Year only, until the Number of four hundred (including what have already Enlisted or may hereafter Enlist for the term of three Years agreeable to the Tenor of said Vote) shall be Compleat. [Passed May 27.]

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### CHAPTER 2.

ORDER ALLOWING THE ACCOT OF THE TREASURER OF WORCESTER COUNTY.

AN ACCOMPT presented by Mr Daniel Hayward Treasurer of the County of Worcester for the Year, 1747, having been laid before the Court of Gen<sup>l</sup> Sessions of the Peace for the s<sup>d</sup> County & by them allowed.

Legislative Records of the Council, xviii., 355.

House Journal, pp. 11, 16.

Read &

*Ordered* that this Acco<sup>t</sup> be allowed & that the Ballance thereof being two Pounds nine Shillings  $\frac{1}{4}$ , the s<sup>d</sup> County to be accountable to said Treasurer for. [Passed May 30.]

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### CHAPTER 3.

ORDER ALLOWING THE ACCOT OF THE TREASURER OF YORK COUNTY.

AN ACCOMPT presented by Jeremiah Moulton Esq<sup>r</sup> Treasurer of the County of York for the Year 1747, having been laid before the Court of Gen<sup>l</sup> Sessions of the Peace for s<sup>d</sup> County & by them allowed. Read &

Legislative Records of the Council, xviii., 355.

House Journal, pp. 11, 16.

*Ordered* that the within Acco<sup>t</sup> be allowed, & that the Ballance thereof, being £<sup>5</sup>, the s<sup>d</sup> Treasurer is further accountable to s<sup>d</sup> County for. [Passed May 30.]

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## CHAPTER 4.

### ORDER ALLOWING THE ACCOT OF THE TREASURER OF BARNSTABLE COUNTY.

Legislative Records of the Council, xviii., 355.  
House Journal, pp. 11, 16.

AN ACCOMPT presented by John Gorham Treasurer of the County of Barnstable for the Year 1747, having been laid before the Court of Gen<sup>l</sup> Sessions of the Peace for s<sup>d</sup> County, & by them allowed.

Read &

*Ordered* that the within Acco<sup>t</sup> be allow'd & that the Ballance being forty eight Pounds eight shillings the s<sup>d</sup> Treasurer be accountable to said County for. [Passed May 30.]

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## CHAPTER 5.

### ORDER ALLOWING 25/ TO MARY FOSTER AND 25/ TO EACH OF THE FOUR CHILDREN.

Legislative Records of the Council, xviii., 355. Mass. Archives, Ixxiii., 159.

Mass. Archives, Ixxiii., 158. House Journal, pp. 13, 16. Ante, p. 35, chap. 81.

A PETITION of Mary Foster of Casco Bay, Widow, shewing that her late Husband, Ephraim Foster was killed by the Indians, & she with six small Children carried Captives to Canada, & after four or five Months, she & four Children were returned home by the way of Cape Breton, praying that she with her Children may have the same Allowance for their Releif, as was made for the other Prisoners

Read and

*Ordered* that there be allowed out of the publick Treasury the Sum of twenty five Shill<sup>gs</sup> to the Pet<sup>r</sup> for her self and the like Sum of twenty five Shillings for each one of the four Children returned from Captivity. Said Sums to be delivered into the hands of Enoch Freeman Esq<sup>r</sup> by him to be pd<sup>t</sup> the Pet<sup>r</sup> for the Use of the Persons within mentioned. [Passed May 31.]

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## CHAPTER 6.

### ORDER REQUESTING THE APPOINTMENT OF A FAST DAY.

Legislative Records of the Council, xviii., 356.

Mass. Archives, xii., 475, 477, 481. House Journal, pp. 18, 19. Love's Fast and Thanks. giving Days of New England, p. 495.

THE BOARD taking into Consideration the Frowns of Divine Providence in the many Calamities we suffer from Our Common Enemy, & in the early & extream Drought whereby many of the Fruits of the Earth are in Danger of being utterly destroyed, which we look upon as a plain Indication of Divine Displeasure for the many publick Sins which we have been guilty of, which Frowns are a Call upon us for a publick Acknowledgement of our Offences & to Repentance & Reformation; without which we can't expect that God will be reconciled to us & shew us Mercy.

*Voted* that his Excellency be requested as soon as may be, with

the Advice of the Council to appoint a solemn Day of Fasting, Prayer & Humiliation thrô out this Province for imploring the Commiseration of Almighty God, that he would please to grant us the Showers of Rain necessary for satisfying the thirsty Earth, that so there may be Food sufficient for Man & Beast, And that this Court may be graciously directed in their Consultations & Our Forces succeeded in the Prosecution of the War.<sup>1</sup> [Passed May 31.

## CHAPTER 7.

### ORDER ALLOWING £12 TO WM THORN.

A MEMORIAL of William Thorn, shewing that while he was in his Majesty's Service on the Eastern Frontier, he was grievously wounded by the Indian Enemy & his left Arm shot off, whereby he is disabled from supporting himself & his Family; Praying for some Releif from this Court.

Read and

*Ordered* that there be allowed out of the publick Treasury to the Pet<sup>r</sup> twelyc pounds in consideration of his Sufferings herein Exhibited. [Passed May 31.

Legislative Records of the Council, xviii., 357. Mass. Archives, lxxiii., 164.

Mass. Archives, lxxiii., 163. House Journal, pp. 13, 19.

## CHAPTER 8.

### ORDER ALLOWING £8 TO ROBT MILLER.

A PETITION of Robert Miller, a Soldier in the Service of the Province in their late Expedition against Cape Breton, praying for some further Allowance in Consideration of his left Arm being shot off by the Enemy, whereby he is disabled from supporting himself.

Read and

*Ordered* that the Comm<sup>ee</sup> of War be directed to allow the Pet<sup>r</sup> Eight pounds in consideration of his Sufferings herein mentioned. [Passed May 31.

Legislative Records of the Council, xviii., 357. Mass. Archives, lxxiii., 165.

House Journal, pp. 13, 19. Province Laws, xliii., 465, chap. 1; 560, chap. 257.

## CHAPTER 9.

### ORDER DIRECTING THE WAGES OF JOSEPH ADAMS, INDIAN, TO BE PAID TO PATIENCE ADAMS.

A PETITION of Samuel Knowles Esq<sup>r</sup> in behalf of Patience Adams Relict Widow of Joseph Adams late of Harwich Indian, Dec<sup>d</sup> Praying that he may be allowed to receive the Wages due to the said Joseph for his Service at Cape Breton to be by him paid to the said Patience.

Read and

*Ordered* that the Treasurer be directed to Pay to Sam<sup>l</sup> Knowles Esq<sup>r</sup> what Sum shall be found due to the said Joseph, to be applyed by him for the Use and Comfort of the s<sup>d</sup> Patience the Widow. [Passed June 2.

Legislative Records of the Council, xviii., 358. Mass. Archives, xxxi., 581.

House Journal, p. 22.

<sup>1</sup> The fast was appointed for June 9, 1748, and was public.

## CHAPTER 10.

## ORDER ALLOWING £10 TO PHINEHAS SMITH.

Legislative  
Records of the  
Council, xviii.,  
359. Mass.  
Archives,  
lxxiii., 156.

Mass.  
Archives,  
lxxiii., 155.  
House Jour-  
nal, pp. 20, 24.

A PETITION of Phinehas Smith of Hadley, shewing that he was grievously wounded and maimed while in the Service of the Province; And praying for some Consideration therefor as also for his Loss of Time & Subsistence after his Dismission from the Service.

Read and

*Ordered* that the Pet<sup>r</sup> be allowed to receive out of the publick Treasury the Sum of ten pounds in consideration of His Wound and Sufferings within mentioned. [Passed June 3.]

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## CHAPTER 11.

## ORDER ALLOWING THE ACCOT OF THE TRUSTEES OF THE HASSANAMISCO INDIANS.

Legislative  
Records of the  
Council, xviii.,  
360.

House Jour-  
nal, pp. 13, 27.

AN ACCOMPT presented by John Chandler Esq<sup>r</sup> & Edward Baker Esq<sup>r</sup> Trustees for the Indians of Hassanamisco, Containing an Accompt of Receipts & Disbursements for them, Ending the 19<sup>th</sup> of March last.

Read &

*Ordered* that the within Accompt be allowed, & that the Ballance thereof, being Twenty five Pounds Nineteen Shillings & three Pence Old Tenor, the s<sup>d</sup> Trustees are further accountable for. [Passed June 3.]

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## CHAPTER 12.

## ORDER ALLOWING £7. 10 TO HENRY DEATH &amp; OTHERS.

Legislative  
Records of the  
Council, xviii.,  
360. Mass.  
Archives, cv.,  
300.

House Jour-  
nal, pp. 22, 24,  
27.

A PETITION of Henry Death, Caleb Leland, Jabez Stratton & Joseph Crackbone, late Constables of Sherburn, Praying for the Allowance of Seven pounds ten Shillings, being the Charge of collecting the Province Tax assessed on the English Inhabitants of Natick for the years, 1744 & 1745, w<sup>ch</sup> they did by Order of the General Court.<sup>1</sup>

Read and

*Ordered* that the Pet<sup>rs</sup> be allowed out of the Province Treasury the Sum of Seven pounds ten Shillings And that said Sum be added to Natick's Province Tax in the next Tax Bill. [Passed June 3.]

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## CHAPTER 13.

## ORDER IMPOWERING JAMES THOMAS, INDIAN, TO SELL LAND.

House Jour-  
nal, p. 23.  
Mass.  
Archives,  
xxxii., 583.

A PETITION of James Thomas of Tetticut, Indian, praying Liberty to sell a Piece of Land, to support himself, and his aged Parents.

<sup>1</sup> No such order has been found.

Read and

*Ordered* that the Pet<sup>r</sup> have liberty with the Advice and Assistance of the Guardians of the Tetcicut Indians, to Sell so much of the s<sup>d</sup> land (not exceeding twenty five Acres) as is necessary for the purposes herein mentioned. [Passed June 3.

Mass.  
Archives,  
xxxi., 582.  
House Jour-  
nal, p. 25.

## CHAPTER 14.

### ORDER OF NOTICE ON THE PETITION OF JAMES CARR FOR A NEW TRIAL OF AN ACTION.

A PETITION of James Carr of Arundel, shewing that in January, 1746, he was Defend<sup>t</sup> in an Action of Trespass commenced against him by Eliakim Bickford (now Dec<sup>d</sup>) at the Inf<sup>r</sup> Court in Boston, that in coming up to defend the said Action, he was Assaulted, grievously wounded & maimed by one Hart & others at Portsmouth (whom the Petitioner supposes to have been set to work by the said Bickford) & by means thereof Judgment went against him by Default, for £500 New Tenor, & Execution thereof levied on his real Estate; And therefore Praying that he may be admitted to a new Trial of the said Action upon the Merits; & that some proper Person may be obliged to Answer; or that he may be otherwise releived.

Legislative  
Records of the  
Council, xviii.,  
362. Mass.  
Archives, xlii.,  
688.

Mass.  
Archives, xlii.,  
685. House  
Journal, p. 32.

Read and

*Ordered* that the Pet<sup>r</sup> Serve the Heirs or Legal Representatives of the within named Eliakim Bickford with a Copy of this Pet<sup>n</sup> that they shew cause if any they have on the first fryday of the next Sitting of this Court why the Prayer thereof should not be granted.

And that the Estate herein mentioned be and hereby is Ordered to remain Unalienable in the mean time. [Passed June 7.

## CHAPTER 15.

### ORDER ALLOWING £30 AND £10. 12. 6 TO SERGEANT JOHN HAWK AND £12. 10 EACH TO MATTHEW CLESSON AND JOHN TAYLOR.

A PETITION of Serjeant John Hawks, Setting forth his Losses & Sufferings, by his being taken Prisoner when Fort Massachusetts was taken & burnt, & carried into Captivity in Canada; as also his Services in a late Journey to Canada, where he redeemed two English Captives & brought them home; Praying for some Allowance from this Court in Consideration thereof, as also for Mathew Clesson & John Taylor who went with him to Canada

Legislative  
Records of the  
Council, xviii.,  
363. Mass.  
Archives,  
lxixiii., 170.

Mass.  
Archives,  
lxixiii., 169.  
House Jour-  
nal, pp. 32,  
33 bis.

Read and in Answer

*Ordered* that the following allowances be made out of the publick Treasury Viz<sup>t</sup> To the within named John Hawks for his Service in his Journey to Canada Thirty pounds.

To the within named Matthew Clesson and John Taylor for their Service Each Twelve pounds ten Shillings

To the within named John Hawks on acc<sup>t</sup> of his being Wounded, Loosing his Gun, and diverse Implements provided for the Use of the Garrison. Ten pounds twelve Shillings and Six pence. [Passed June 7.

## CHAPTER 16.

ORDER OF NOTICE ON THE PET<sup>N</sup> OF BEDFORD PROPRIET<sup>RS</sup> TO SELL RIGHTS OF DELINQUENT GRANTEES.

Legislative Records of the Council, xviii., 363. Mass. Archives, cxv., 363.

Mass. Archives, cxv., 361. House Journal, p. 31.

A PETITION of the Committee of the Proprietors of the Plantation called Bedford in the County of Hampshire, shewing that the said Proprietors are bound by Agreement to dispose of One fifth Part of their respective Shares of Land, to such Persons as shall settle on them, but divers of them have neglected to fulfill this Agreement, which has retarded the Settlement of the said Plantation, And therefore praying that the Proprietors may be impowered to dispose of the delinquent Proprietors Land appointed to be disposed of

Read and

*Ordered* that the Pet<sup>rs</sup> Notifye the Delinquent Prop<sup>rs</sup> of Bedford of this Pet<sup>n</sup> by Inserting the Substance thereof in the Boston Gazette three Weeks successively that so they may Shew cause if any they have on the first fryday of the next Sitting of this Court why the Prayer thereof should not be granted. [Passed June 7.

## CHAPTER 17.

## ORDER ALLOWING A FIRELOCK TO DAVID WARREN.

Legislative Records of the Council, xviii., 364. Mass. Archives, lxxiii., 173.

House Journal, pp. 34, 35.

A PETITION of David Warren of Marlborō, Shewing that he was a Soldier at Fort Massachusetts when it was taken, & was carried into Captivity to Canada, Where he suffered much Hardship, that he lost his Gun & other things when he was taken, And therefore praying for some Allowance from this Court for his Losses & Sufferings

Read and

*Ordered* that the Pet<sup>r</sup> be allowed a good fire Lock out of the Province Stores in consideration of his Loss abovementioned. [Passed June 8.

## CHAPTER 18.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PET<sup>N</sup> OF DAN<sup>L</sup> HUNT & EBEN<sup>R</sup> WHITTAKER FOR A RETRIAL OF AN ACTION.

Legislative Records of the Council, xviii., 364. Mass. Archives, xlvi., 669.

Mass. Archives, xlvi., 670, 671, 672. House Journal, p. 34.

A PETITION of Daniel Hunt & Ebenezer Whittaker of Rehoboth complaining against the Proceedings in a Trial between the Petitioners, & Simon Bur & Stephen Brayton at the Superior Court held in the County of Bristol in October last, the Jury to whom the Cause was committed taking the utmost Liberty of conversing with the other party before Verdict given; And therefore Praying for a new Trial.

Read and

*Ordered* that the Pet<sup>rs</sup> serve the Adverse Parties the s<sup>d</sup> Simon Bur and Stephen Brayton with a copy of this Pet<sup>n</sup> that they shew cause if any they have on the first fryday of the next Sitting of

this Court why the Prayer thereof should not be granted. And Execution within mentioned is Stayed in the mean time.<sup>1</sup> [Passed June 8.

## CHAPTER 19.

### ORDER ALLOWING £2 TO HENRY BLODGET.

A PETITION of Henry Blodget of Suffield, shewing that while he was a Soldier in the Pay of this Province & employed in building a Fort at Colrain, he was wounded in the Foot by the Glance of his own Ax, by which his Life has been much endangered; & he has endured great Pain, Praying for an Allowance from this Court in Consideration thereof.

Read and

*Ordered* that the Pet<sup>r</sup> be allowed out of the publick Treasury two pounds in full consideration for his Sufferings within Mentioned. [Passed June 8.<sup>2</sup>

Legislative Records of the Council, xviii., 366. Mass. Archives, Ixiii., 166. Mass. Archives, Ixiii., 166, 167. House Journal, p. 35.

## CHAPTER 20.

### VOTE DESIRING HIS EXCELLENCY TO GIVE ORDERS IN REGARD TO THE SLOOP MASSACHUSETTS.

*Voted* that his Excellency be desir'd to give Orders that the Sloop Massachusetts immediately proceed with the Stores &c. she has on board for the Service of the Eastern Frontiers & that upon delivery of the same she proceed to Newport or Bristol in order to attend his Excellency to Albany. [Passed June 10.

Legislative Records of the Council, xviii., 366. Mass. Archives, Ixiv., 297. Legislative Records of the Council, xviii., 356. House Journal, p. 38 bis. Post, p. 151, chap. 25.

## CHAPTER 21

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE PETITION OF CAPT JOHN WENDELL TO DETERMINE BOUNDARIES, AND APPOINTING A NEW COMMITTEE WITH STAY OF PROCEEDINGS THEREON.

A PETITION of Cap<sup>t</sup> John Wendell of Boston, shewing that there is now an Action between him & Robert Howard & others in the Superior Court for the County of Plimouth upon which Suit the Petitioners Title to a Tract of Land near the Colony Line will much depend, And in as much as he apprehends the Land lies within the County of Suffolk he has pleaded against the Jurisdiction of the Courts in the County of Plimouth to try his Title, And for as much as there may be some Difficulty to prove to the Satisfaction of a Jury, that the Petitioners Lands ly on the North side of the said Colony Line, Therefore Praying that this Court would appoint a Committee to perambulate & mark out the said Colony Line, & to view the Lands in Question & others under the same Circumstances, & determine on which Side of the said Line, they

Legislative Records of the Council, xviii., 328, 366. House Journal, p. 36. Mass. Archives, Ixxvii., 164-169, 173, 176, 177. Maps and Plans, Mis., xxix., 12; xxxvii., 7. Legislative Records of the Council, xviii., 354. House Journal, pp. 12, 22, 23, 26. Province

<sup>1</sup> At the hearing, October 31, Mass. Archives, xlvi., 669, this petition was dismissed.

<sup>2</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is June 10.

Laws, x., 53,  
chap. 116; 303,  
chap. 37; 692,  
chap. 319.

ly, & to which County the Jurisdiction thereof doth belong or otherwise receive the Petitioner

The Committee to whom was refer'd the Consideration of the Petition of Cpt. John Wendell, have performed that Service, & find that upon the Petition of the Represent<sup>ves</sup> of the Towns of Hingham Weymouth, Brantrey & Dorchester, the Slip or Gore of Land within refer'd to, was in or about the Year 1720, Resolved by the General Conrt, to continue in the Jurisdiction of the County of Suffolk with this Proviso, that no Man's Right or Property in the Land adjacent shall be thereby infringed; And that in the Year 1723, the Great & General Court directed Col<sup>o</sup> Samuel Thaxter to run & mark out the old Colony Line from Accord Pond to the Heap of Stones and Stake standing or being near the Road that runs from Brantrey to Bridgewater, & that the said Col<sup>o</sup> Thaxter did in the Year, 1725, run said Line, & mark the same, & made Return thereof to the Court, who Accepted the same: But whereas it is alledged that many of said Marks are cut down & lost, the Committee are therefore of Opinion, that a Committee be sent from this Court to renew & mark said Line that so it may be the better known for the future

Which is humbly Submitted;

per Order

JOSEPH WILDER

In Council: Read &

*Ordered* that this Report be Accepted & that John Jones Esq<sup>r</sup> with such as the hon<sup>ble</sup> House shall Join be a Committee to renew & mark out the said Line accordingly, & that the said Committee seasonably notify the Parties of the Time of their Coming, & make Report to this Court as soon as may be. And that the Charge shall be born as this Court shall order, And all Proceedings in the Executive Courts are stayed in the meantime.

[In the House of Representatives] Read and concurred, and Col. Nahum Ward, and Major Ephraim Curtiss, are joined in the Affair.<sup>1</sup> [Passed June 10.]

## CHAPTER 22.

### ORDER REVIVING YE PET<sup>N</sup> OF GEO: & ROBERT HEWES FOR A NEW TRIAL.

Legislative  
Records of the  
Council, xviii.,  
306, 367.

Legislative  
Records of the  
Council, xviii.,  
130, 317. House  
Journal,  
pp. 229, 247, 248  
(March, 1747).  
Province

A MEMORIAL of George & Robert Hewes, Praying that in as much as the Order pass'd on their former Petition for a new Trial of an Action between them and Nathanael Cunningham, was not consented to by the Governour, that this Court would now Consider their Petition, & grant them a new Trial according to the Prayer of the said Petition.

On the [foregoing] Petition of George & Robert Hewes & the Order of both Houses pass'd thereon,<sup>2</sup>

<sup>1</sup> The additional members of the committee added in the House are omitted in the Legislative Records of the Council record; they are inserted from the House Journal.

<sup>2</sup> The following was the order: —

“ *Ordered* that the said George & Robert be & they are hereby enabled to bring forward Writs of Revewi on Each of the Actions of Covenant against said Cunningham at the Superior Court to be held at Boston in & for the County of Suffolk in August next, they causing said Writs of Revewi to be served on Jacob Holyoke said Cunningham's Attorney, on or before the last day of March Instant; And that the Justices of the said Court be & they hereby are impowered & directed to hear & try the said Actions, give Judgment therein & award Execution thereupon accordingly.” — Legislative Records of the Council, xviii., 318.

The above Order having pass'd both Houses the last Session of *Laws, xlii., 571,*  
the Court, & not having been laid before his Excellency for his *chap. 285.*  
*Post, p. 221,*  
*Consent,* *chap. 223.*

*Ordered* that the said Order be revived in all & every particular thereof, saving only that the Time for the Petitioners serving their Writs of Reveiw on Jacob Holyoke Attorney &c. be continued to the last day of this Instant June.<sup>1</sup> [Passed June 10.]

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## CHAPTER 23.

### ORDER DIRECTING THE PREPARATION OF THE SLOOP MASSACHUSETTS FOR THE ACCOMMODATION OF THE GOVERNOR.

Legislative  
Records of the  
Council, xviii.,  
368. Mass.  
Archives,  
Ixv., 298.

*Ordered* that the Commissary General do forthwith cause the Sloop Massachusetts to be unladen & the Stores now on board her to be reshipd on some suitable Vessel or Vessels, that may be bound Eastward for the Service of the Forts & Garrisons & other Forces on the Frontiers and that he cause said Sloop Massachusetts to be fitted as soon as may be for the accommodation of his Excellency in his passage to New York & Albany. [Passed June 11.]

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Legislative  
Records of the  
Council, xviii.,  
368. House  
Journal, p. 39.  
*Ante, p. 149,*  
*chap. 20.*

## CHAPTER 24.

### ORDER ALLOWING £41. 4. 1 TO JOHN FROST.

AN ACCOMPT presented by John Frost<sup>2</sup> of billeting several Officers & Parties of Men sent out on the Western Frontiers, Amounting in the whole to the Sum of £41. 5. 1.

Legislative  
Records of the  
Council, xviii.,  
368.

Read &

*Ordered* that this Accomp be allowed, & that the Sum of Forty one Pounds five Shillings & one penny, be allowed & paid out of the publick Treasury to Eleazar Porter Esq<sup>r</sup> for the Use of the Ac-comptants accordingly. [Passed June 11.]

House Jour-nal, p. 36.

## CHAPTER 25.

### VOTE ELECTING COMMISS<sup>RS</sup> FOR YE CONGRESS WITH YE SIX NATIONS AT ALBANY.

THIS DAY being appointed for the Election of Commissioners from this Court, to appear on their behalf, at the Interveiw to be had at Albany on the tenth of July next, between his Excellency George Clinton Esq<sup>r</sup> Governoour of the Province of New York, & his Excellency William Shirley Esq<sup>r</sup> Governoour of this Province & the six Nations. The following Persons were duly elected by the Major Vote of the Council & House of Represent<sup>ves</sup> vizt John Stoddard, Andrew Oliver & Thomas Hutchinson Esq<sup>rs</sup>. [Passed June 14.]

Legislative  
Records of the  
Council, xviii.,  
370.

Legislative  
Records of the  
Council, xviii.,  
370. House  
Journal, p. 44.  
*Supra, chap.*  
*23.*

<sup>1</sup> Not found in the House Journal.

<sup>2</sup> The House Journal, p. 36, reads, "Trask."

## CHAPTER 26.

## ORDER ESTABLISHING THE NUMBER OF OFFICERS IN A COMPANY ON THE FRONTIERS AND THE WAGES THEREOF.

Legislative  
Records of the  
Council, xviii.,  
371. Mass.  
Archives,  
lxviii., 175.

House Jour-  
nal, p. 46.

WHEREAS by the Establishment of wages for the Forces on the Frontier a Captains Wages is determin'd to be at the Rate of four pounds p month, a Lieutenants Three Pounds & nine pence, a Clerk & Serjeant Two pounds twelve shillings & nine Pence & a Corporals at Two pounds twelve shillings & three pence, but no directions given what Number of men in a Company shall entitle the Commander thereof to Captains pay nor what Number of inferior Officers shall be allowed Wages in such Companys, therefore.

*Ordered,* That in every Company of Fifty men the captain or Chief Officer shall be allowed Captains wages, that in every Company or Scouting party less than Fifty & not less than Fifteen men, the Chief Officer shall be allowed Lieutenants Wages and no more.

AND to every Company of Fifty Men there shall be allowed Wages to a Captain, a Lieutenant & Clerk, three Serjeants & three Corporals, & to every Company less than Fifty & not less than Thirty three men there shall be allowed Wages to one Commanding Officer, a Clerk, two Serjeants & two Corporals, and to every Company or Party less than thirty three men & not less than Fifteen men there shall be allowed Wages to one Commanding Officer, one Serjeant & one Corporal

Provided that nothing in this Vote shall be understood to Alter or Affect the Wages Established for the Officers & Soldiers in the several Forts & Garrisons on the Frontiers.

PROVIDED also that where any greater number of non Commission Officers than is allowed by this Vote have been in Service this present Year the wages of each Officer shall be Reduced in Proportion so as to make the whole sum equal to the Wages of the whole Number of such Officers allowed by this Vote. [Passed June 15.

## CHAPTER 27.

## VOTES FOR STATIONING AND EQUIPPING TROOPS FOR SUPPLYING DEFICIENCIES AT DIVERS LOCATIONS ON YE FRONTIERS.

Legislative  
Records of the  
Council, xviii.,  
371. Mass.  
Archives,  
lxviii., 174.

House Jour-  
nal, p. 44.  
*Ante*, p. 108,  
chap. 273.

*Voted* that inasmuch as Eleven of the Men ordered to be inlisted within this province, for the Western Frontiers & fifty one men proposed to be sent from Connecticut to Northfield New Hampton & Blanford, have not yet been rais'd, agreeable to the Vote of this Court

Therefore that his Excellency be desired to cause such difficiency to be supplied by an Enlistment or an Impress of Sixty two men in their Room, Provided that no Subsistence be allowed to any greater number of men than are already sent from Connecticut altho they should make up the deficiency hereafter, Also

*Voted* that a Chaplain & Surgeon be allowed to each of the Forts massachusetts and Number four, Also

*Voted* that the arms of the Soldiers in the Western Frontiers be mended by some Skillful Gunsmiths in that neighbourhood at the Charge of the Government.

*Voted* also that twelve men be allowed not exceeding three Weeks to Guard the Inhabitants of Hatfield whilst they are getting in their Hay upon Mill River.

*Voted* also that there be allowed seven of the Inhabitants of nichawog to Scout in that neighbourhood & Five of Narragansett N<sup>o</sup> 2, Three of New Rutland, Three of Leominster

Also

*Voted* that in case the Two hundred men proposed to be raised by Enlistment for the Eastern Frontier or in case any of the Inhabitants to whom pay & Subsistence is allowed have not yet enlisted, that his Excellency be desired to cause the deficient Numbers to be raised by Impress so as that the whole Number of Men designed for the defence of that Frontier may be compleated. [Passed June 15.

## CHAPTER 28.

### VOTE ALLOWING £1,500 TO THE COMMITTEE FOR REBUILDING THE COURT HOUSE.

Legislative Records of the Council, xviii., 372. Mass. Archives, xlvi., 228.

*Voted* that the Committee app<sup>ted</sup> to take care of the rebuilding the Court House be allowed to receive out of the publick Treasury the Sum of fifteen hundred pounds to Enable them to Proceed in that Affair. The said Committee to be accountable. [Passed June 15.

House Journal, p. 201 (February, 1747); pp. 45, 46. Ante, p. 110, chap. 276.

## CHAPTER 29.

### ORDER IMPOWERING AARON HITCHCOCK AND OTHERS TO SELL REAL ESTATE.

ON THE PETITION of Aaron Hitchcock, [ante, p. 126, chap. 319] Read &

Legislative Records of the Council, xviii., 372. Mass. Archives, xviii., 330.

*Ordered* that the prayer of the Petition be granted, And that the Petitioner Aaron Hitchcock with any Two of the Exec<sup>trs</sup> Named in the Last Will of Jacob Hitchcock be and hereby are Impowered to make Sale of the House and Land Within mentioned And to make and pass a good Deed or Deeds for the Same; PROVIDED that in Such Sale the Rules and Directions of the Law respecting the Sale of Houseing & Lands by Exec<sup>trs</sup> or Adm<sup>rs</sup> be duly observed, And Sufficient Bond given to the Judge of Probate for the County of Hampshire to be Accountable for the Yearly profits of the produce of Said Sale, and to pay to the Said Minors when they Shall arrive at age the whole produce thereof in Such manner and proportion as in & by the Said Will is Directed. [Passed June 15.

Mass. Archives, xviii., 328. House Journal, p. 45. Province Laws, II., 151, chap. 10. Ante, p. 126, chap. 319.

## CHAPTER 30.

ORDER ALLOWING £81 TO BENJ<sup>A</sup> GORHAM.

Legislative  
Records of the  
Council, xviii.,  
372.

Legislative  
Records of the  
Council, xviii.,  
195. House  
Journal, p. 42.

A PETITION of Benjamin Gorham of Barnstable, shewing that upon his Petition to the General Court in August last, setting forth that he sent by Stephen Hall Eighty one Pounds in Bills of Credit on this Province of the old Tenor, to bring to Boston, that the said Hall coming in a Sloop was struck over board by the Boom, with the said Money in his Pocket, & his Bed, & the Money never found, the Court were pleased to allow him that Sum out of the publick Treasury, but the Order therefor was destroyed in the Burning of the Court House; Therefore Praying for a Revival of it.

Read &

*Ordered* that the Order within mentioned be revived & that the Petitioner be allowed to receive out of the publick Treasury the Sum of Eighty one Pounds Bills of the old Tenor, or other Bills equivalent thereto in lieu of the Bills mentioned in the Petition in the Petitioned,<sup>1</sup> The Petitioner giving Caution to the Treasrer, that if the said Bills be found to refund the same into the Treasury. [Passed June 15.

## CHAPTER 31.

ORDER IMPOWERING THE COLLECTION OF TAXES IN THE 2<sup>D</sup> PRECINCT  
IN PLIMOUTH.

Legislative  
Records of the  
Council, xviii.,  
372. Mass.  
Archives, cv.,  
302.

Mass.  
Archives, cv.,  
301. House  
Journal, pp. 15,  
35.

A PETITION of Benjamin Rider Agent for the second Precinct in the Town of Plimouth, shewing that in the Year 1745, 1746 & 1747, they chose Collectors to gather in the Assessm<sup>ts</sup> on the said Precinct, but the Collectors neglecting to be sworn to their Offices has much impeded the bringing in the said Assessm<sup>ts</sup> Praying for Relief from this Court.

Read and

*Ordered* that Ezekiel Rider the Collector for the Second Precinct in Plymouth in 1745 be Impowered and directed to finish Collecting the Tax Committed to him for that Year. And that John May Jun<sup>r</sup> be impowered and directed to finish Collecting the Tax Committed to him for the Year 1746. And that the present Collector for the Year 1748 be impowered and directed to Collect the Tax made in that Precinct in the Year 1747. They first taking their Oaths for the faithful discharge of their trusts respectively. Also

*Voted* that the said Collectors Compleat their several Collections within Six months from this time. [Passed June 15.

<sup>1</sup> The words "in the petitioned" do not occur in the State Library copy, Legislative Records of the Council, xviii., 360.

## CHAPTER 32.

VOTE DIRECTING Y<sup>E</sup> COMMISSARY'S TO SEND SMALL ARMS TO THE EASTERN FRONTIERS.

WHEREAS it sometimes happens that the Arms of the Soldiers on the Frontiers during their being in the service are rendred Insufficient. Therefore

*Ordered* that the Commissary General be directed to Send a suitable number of Province Arms to the Sub Commissaries in the several parts of the Eastern Frontier, that so when any Soldiers Arms shall be rendred insufficient as aforesaid, His Commanding Officer may Supply him with the same out of the abovementioned Province Arms.

And that the said Commanding Officer take effectual care that the said arms be again returned into the Store out of which the same was taken

And if any Soldier recieving Province arms doth not return them to the Officer from whom He recievied such Arms: Such Officer be directed to Charge such Arms to Such Soldier in His Muster roll; to be deducted out of such soldiers Wages: the value of such Arms to be Ascertain'd by the Commissary General. [Passed June 16.

Legislative Records of the Council, xviii., 373. Mass. Archives, lxxiii., 177.

House Jour. nal, p. 47.

## CHAPTER 33.

ORDER APPOINTING A COMMITTEE ON THE PET<sup>N</sup> OF CPT. DAN<sup>L</sup> HOWARD IN REGARD TO A BOUNDARY LINE.

A PETITION of Capt Daniel Howard of Bridgewater, praying that the Committee appointed on the Petition of Cap<sup>t</sup> John Wendell, to renew & mark out the Line between the Old Colony of Plimouth & the Massachusetts, as run by Col<sup>o</sup> Thaxter in 1725, may also be directed by this Court to perambulate the Line run by said Thaxter in the Year 1713, without which he apprehends equal Justice can't be done between him & said Wendell.

Legislative Records of the Council, xviii., 368. Mass. Archives, lxxxvii., 172.

Mass. Archives,

xlvii., 205-207;

lxxvii., 170,

171, 175. Leg.

islative Rec-

ords of the

Council, xviii.,

375. House

Journal,

pp. 38-46.

Province

Laws, ix., 287,

chap. 8; x., 692,

chap. 319.

Ante, p. 149,

chap. 21.

Read together with the Answer of Capt<sup>n</sup> John Wendell, &

*Ordered* that the Prayer of the Petition be so far granted, That the Comm<sup>ee</sup> appointed on the Petition of Capt<sup>n</sup> John Wendell to Renew & mark out the Line mentioned in said Wendell's Petition be & hereby are impowered & directed to run the Line within mentioned, & report thereon when they report on said Wendell's Petition, Provided the Charge of running this Line be born by the Petitioner. [Passed June 16.<sup>1</sup>

## CHAPTER 34.

VOTE ON YT PART OF HIS EXCY'S SPEECH IN REGARD TO INDIAN PRISONERS IN CANADA BELONG<sup>G</sup> TO SIX NATIONS.

THE HOUSE taking into consideration that part of His Excellency's Mess<sup>a</sup> of the 16<sup>th</sup> Curr<sup>t</sup> relating to the Indians of the Six Nations now Prisoners in Canada.

Legislative Records of the Council, xviii., 382. Mass. Archives, xxxi., 590.

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is June 17.

Legislative Records of the Council, xviii., 355, 373. House Journal, pp. 51, 58.

*Voted* that His Excellency be desir'd (in Conjunction with the other Goverments) to Proceed in that affair as soon as may be, this Goverment being ready to pay their Just proportion of Any Charge that may attend the Same. [Passed June 17.<sup>1</sup>]

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## CHAPTER 35.

### VOTE APPOINTING A COMTEE FOR SELLING BRIGT BOSTON PACQUET ALSO CLOTHING AND STORES FROM THE CAPE BRETON EXPIDITION.

Legislative Records of the Council, xviii., 374.

Mass. Archives, ix., 299. Legislative Records of the Council, xviii., 199, 253, 259. House Jour. nal, pp. 38, 49, 51. *Ante*, p. 73, chap. 194.

In the House of Represent<sup>ves</sup>

*Voted* that M<sup>r</sup> Hubbard and M<sup>r</sup> Hall with such as the hon<sup>ble</sup> Board shall Join, be a Committee to make Sale of the Brigantine Boston Pacquet & her Appurtenances for the most they will sell for; And that they be directed to make Sale of the Cloathing & other Stores (the warlike Stores excepted) that remain unsold, that were purchased for the late Expedition against Cape Breton, & lodge the Produce thereof in the Province Treasury.

In Council, Read & Concur'd & Ezekiel Chcever Esq<sup>r</sup> is joined in the Affair. [Passed June 17.]

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Legislative Records of the Council, xviii., 375. Mass. Archives, lxxiiii., 183.

Legislative Records of the Council, xviii., 373. House Journal, pp. 47, 50. Province Laws, iii., 370, chap. 9.

## CHAPTER 36.

### ORDER ESTABLISHING WAGES OF SOLDIERS AT CASTLE WILLIAM.

*Ordered* that the Establishment of the Wages of the Soldiers at His Majesty's Castle William from the 20<sup>th</sup> of November 1747 to the 20<sup>th</sup> of November 1748 be at the rate of thirty Shillings per Month. And the Officers in Proportion. [Passed June 17.]

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## CHAPTER 37.

### ORDER ALLOWING TO SETH POMROY HIS VICTUALLING ACCOUNT.

Legislative Records of the Council, xviii., 375. Mass. Archives, lxxiiii., 153.

Mass. Archives, lxxiiii., 152. House Jour. nal, pp. 42, 49 bis.

A MEMORIAL of Major Seth Pomroy, praying that the Accompt, (therewith exhibited) of the Charge of victualling the Company under his Command, raised for the Canada Expedition, may be paid out of the publick Treasury.

Read and

*Ordered* that this Acc<sup>t</sup> be allowed and that the Treasurer be directed to pay to the Commissary Gen<sup>l</sup> the Sum of three hundred and Six pounds fourteen Shillings and Eleven pence Old ten<sup>t</sup> to be by him repay'd to Maj<sup>r</sup> Seth Pomroy in consideration thereof. [Passed June 17.]

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is June 23.

## CHAPTER 38.

ORDER IMPOWERING CPT THOS HENDERSON TO MAKE UP HIS MUSTER ROLL.

A PETITION of Cap<sup>t</sup> Thomas Henderson, shewing that by reason of the Severity of the Winter, his Excellency's Order for discharging his Company, did not reach him till the 28<sup>th</sup> of March last, And therefore praying that he may be allowed, to make up his Muster Roll to that Time

Read and

*Ordered* that the Pet<sup>r</sup> be allowed to make up his Muster roll to the 28<sup>th</sup> of March last. [Passed June 17.]

Legislative Records of the Council, xviii., 375. Mass. Archives, lxxiii., 171.

Mass. Archives, lxxiii., 171. Legislative Records of the Council, xviii., 323, 366. House Journal, pp. 37, 38, 49.

## CHAPTER 39.

ORDER ALLOWING THE BILLETING ACCOUNT OF MAJR SETH POMROY AND VOTE FOR A FURTHER SUM OF £2. 9. 8.

AN ACCOMPT of billeting Soldiers raised for the Expedition against Canada, under the Command of Major Seth Pomroy, from March, 1, 1746, to Octo<sup>r</sup> 26. 1747, Amounting in the whole to 1089 Weeks & two days Billeting Read &

*Ordered* that there be allowed out of the Treasury, One thousand & eighty nine Weeks & two days billeting at twenty five Shillings Old Tenor p Week to the within named Seth Pomroy, & that he pay the same to the several Persons named in this Accompt; Also

*Voted* that the Sum of two pounds nine shillings & eight pence, be paid the s<sup>d</sup> Pomroy to discharge the Accompt signed Joseph Lyman. [Passed June 17.]

Legislative Records of the Council, xviii., 376.

House Journal, p. 49. *Supra*, chap. 37.

## CHAPTER 40.

ORDER ALLOWING THE BILLETTING ACCO<sup>T</sup> OF CPT WM BRINTNAL.

AN ACCOMPT of billeting Soldiers raised for the Expedition against Canada under the Command of Cpt. William Brintnal. Read &

*Ordered* that forty Weeks & two days Billeting at the rate of Twenty five Shillings Old Tenor p week, be allowed out of the Treasury to Major Seth Pomroy for the Use of the Accomptants. [Passed June 17.]

Legislative Records of the Council, xviii., 376.

House Journal, p. 49. *Supra*, chap. 39.

## CHAPTER 41.

VOTE SUBSTITUTING JOHN CHOATE, ESQ<sup>R</sup>, FOR JOHN STODDARD, ESQ<sup>R</sup>, AS COMMISSION<sup>R</sup> TO ALBANY.

Legislative Records of the Council, xviii., 376. Mass. Archives, xxxi., 590.

THIS DAY being appointed for the Choice of a Person to attend as a Commissioner from this Province at the Interview with the Six Nations at Albany, in the Room of John Stoddard Esq<sup>r</sup> who is disabled by Sickness, John Choate Esq<sup>r</sup> was chosen by the major Vote of the Council & House of Representatives. [Passed June 17.]

Legislative Records of the Council, xviii., 371, 374. House Journal, p. 51. *Ante*, p. 151, chap. 25.

## CHAPTER 42.

## ORDER IN REGARD TO CALLING A PARISH MEETING AT NATICK.

Legislative  
Records of the  
Council, xviii.,  
378. Mass.  
Archives, xii.,  
483.

Mass.  
Archives, xii.,  
482, 484, 485.  
House Jour-  
nal, p. 50.  
*Ante*, p. 420,  
chap. 304.

A PETITION of David Morse & others Inhabitants of Natick, Complaining against the Constables of the said Parish for their unfair & unwarrantable Proceedings in warning a Meeting, called there by Order of this Court, & praying that all the Inhabitants of said Parish qualified by Law, may be notified of said Meeting, & some proper Person be appointed by this Court to regulate it.

Read &

*Ordered* that the Constables of Natick give due Notice to all the Freeholders & Inhabitants in said Parish by Law qualified to vote in Parish Affairs (who have not already been notified) to meet at Time, Place & for the Purposes mentioned in the Warrant already issued for calling the Parish Meeting in said Petition mentioned. And that the Qualification of Voters in said Meeting be judged of & determined by the List & Valuation of Estates & Faculties of Persons residing there, lately taken by Order of this Court. [Passed June 17.]

## CHAPTER 43.

## ORDER DIRECTING THE PROVINCE TREASURER TO PAY JAMES TYLER HIS WAGES, AND VOTE DIRECTING THE COMMISSARY GENERAL TO PAY HIM HIS BACK ALLOWANCE.

Legislative  
Records of the  
Council, xviii.,  
375. Mass.  
Archives,  
lxixiii., 91.

Mass.  
Archives,  
lxixiii., 92.  
House Jour-  
nal, pp. 51, 52.

A PETITION of James Tyler of Seaborne, praying that he may be allowed the Wages & Subsistence, due to him for his Service as a Soldier in the Eastern parts, in the Company of Cap<sup>t</sup> Dominicus Jordan from the 22<sup>d</sup> of June to the 11<sup>th</sup> of October, 1746, which was by Mistake left out of the Muster Rolls.

Read and

*Ordered* that the Treasurer be directed to Pay the Pet<sup>r</sup> the Usual Wages from June 22<sup>d</sup> 1746 to the 11<sup>th</sup> of October then next following. Also

*Voted* that the Commissary Gen<sup>l</sup> be directed to pay s<sup>d</sup> Pet<sup>r</sup> His back allowance for that time. [Passed June 18.]

## CHAPTER 44.

Legislative  
Records of the  
Council, xviii.,  
377. Mass.  
Archives,  
lxixiii., 184.  
House Jour-  
nal, p. 52.

## ORDER ALLOWING SERVICES OF A SURGEON ON THE EASTERN FRONTIER.

*Ordered* that a Surgeon be allowed for the Service of the Soldiers on the Eastern Frontier in the Pay of the Goverment To be Station'd at George Town on Kennebec River. [Passed June 18.]

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is June 18.

<sup>2</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is June 17.

## CHAPTER 45.

ORDER DIRECTING DELIVERY OF 100 OUNCES OF SILVER TO THE COMM<sup>RS</sup> FOR ALBANY FOR Y<sup>R</sup> EXPENCES.

*Ordered* that the Treasurer be directed to deliver to the Commissioners App<sup>ted</sup> to repair to Albany &c One hundred Ounces of Silver for their expences whilst in the Goverment of New York The s<sup>d</sup> Commissioners to be accountable. [Passed June 18.

Legislative Records of the Council, xviii., 377. Mass. Archives, xxxi., 592.  
House Journal, p. 52. Ante, p. 151, chap. 25; p. 157, chap. 41.

## CHAPTER 46.

ORDER ACCEPTING THE REPORT OF THE COMM<sup>TEE</sup> ON THE PETITION OF BELLINGHAM, MEDWAY &c. TO BE ERECTED INTO A SEPARATE PRECINCT AND APPOINTING A COMMITTEE THEREON.

A PETITION of Nathanael Whiting, Benjamin Rockwood, Jonathan Metcalf & John Metcalf a Committee for divers Inhabitants of the Towns of Medway, Holliston, Bellingham & Wrentham, Setting forth the great Inconveniences they are under for Attending the publick Worship in the Places where they belong & praying that they may be erected into a separate Precinct.

The Committee on the Petition of divers Inhabitants of Bellingham, Medway &c. having heard the Parties, & observing that they have very contrary Apprehensions & give different Accounts of their Circumstances, are of Opinion, That [a] Committee of three be appointed to view the Premisses, in the Recess of the Court, & report at the Fall Session, what they think proper for the Court to do thereon, & that the Charge be paid as this Court shall order.

In Council; Read & Accepted &

*Voted* that John Quincy Esq<sup>r</sup> with such as the Hon<sup>ble</sup> House of Represent<sup>ves</sup> shall join be a Committee for the Purposes in the Report mentioned.

In the House of Rep<sup>rves</sup>

Read and Concord and M<sup>r</sup> Hall and Cap<sup>t</sup> Spurr are Joyned in the affair. [Passed June 18.

Legislative Records of the Council, xviii., 307, 377. Mass. Archives, cxv., 273.

Legislative Records of the Council, xviii., 334, 375. House Journal, pp. 12, 52.

## CHAPTER 47.

VOTE ON MEM<sup>O</sup> OF JNO OSBORNE ESQ<sup>R</sup> IN REGARD TO LOSS OF PAPERS SHOWING DELIVERY OF BREAD FOR THE EXPEDITION AGAINST CANADA.

A MEMORIAL of John Osborne Esq<sup>r</sup> in behalf of the Committee of War, shewing that Mess<sup>rs</sup> Gerrish & Barrell purchased of the said Committee a considerable Quantity of Bread laid in for the Expedition against Canada, & upon their Demanding of them the Sums due thereupon, they refuse Payment, & by Loss of the Committee's Papers in the burning of the Court House, they are not able to make a full & legal Proof of the Delivery of the said Bread, Therefore praying for the Order of the Court thereon.

Legislative Records of the Council, xviii., 378. Mass. Archives, lxxiii., 162.

Mass. Archives, lxxiii., 161. House Journal, pp. 13, 52. Province

Laws, xiii., 596,  
chap. 8.

The House took the above representation into Consideration and  
*Voted* That the said Committee of War have power to call Mess<sup>rs</sup>  
Gerrish and Barrell to Account for the Money due from them without  
the further Aid of this Court And they are directed to call the  
s<sup>d</sup> Gerrish and Barrell to account accordingly. [Passed June 18.]

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Legislative  
Records of the  
Council, xviii.,  
380, Mass.  
Archives,  
lxiv., 304.

House Jour-  
nal, p. 56.  
*Ante*, p. 127,  
chap. 320.

## CHAPTER 48.

### ORDER CONTINUING THE ESTABLISHMT OF THE MASS<sup>A</sup> FRIGATE.

*Ordered* that the Establishment of the Massachusetts Frigate which Expires the first of August next, be further continued till the first of September next. [Passed June 22.]

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## CHAPTER 49.

### ORDER REFERRING YE PET<sup>N</sup> OF RICH<sup>D</sup> SALTONSTALL, ESQ<sup>R</sup>, &c. OF HAVERHILL IN REGARD TO A TOWN MEETING.

Legislative  
Records of the  
Council, xviii.,  
358, Mass.  
Archives, exv.,  
335.

Mass.  
Archives, exv.,  
288-310, 330.  
Legislative  
Records of the  
Council, xviii.,  
374. House  
Journal, pp. 23,  
48, 59. *Ante*,  
p. 115, chap.  
289.

A PETITION of Richard Saltonstall Esq<sup>r</sup> & a Number of others Inhabitants of the Town of Haverhill, complaining of the irregular & illegal Proceedings of a Meeting of the Inhabitants of the said Town for the Choice of Officers, appointed by this Court, & more particularly of the violent Actings of the Moderator & of the Select men for the last Year, who were appointed by this Court to call the said Meeting; And praying that the said Meeting, & all Transactions therein may be set aside & another Meeting called to be conducted by a disinterested Moderator.

Read and

*Ordered* that Maj<sup>r</sup> Cushing M<sup>r</sup> Allen and Cap<sup>t</sup> Hobson with such as the Hon<sup>ble</sup> Board shall appoint be a Committee to hear the Parties Who are now in Town Consider this Pet<sup>n</sup> and report what they Judge proper for this Court to do thereon

In Council Read and Concurr'd and John Quincy and John Otis Esq<sup>rs</sup> are join'd in the affair

The Committee appointed to Consider this Petition hear the Parties & finding that the Adverse Party cannot Attend at this time by reason of Sickness, are of opinion that the Consideration of the Petition be referred to the Second Wednesday of the next Sitting of this Court.

¶ order of the Committee

J QUINCY

In Council Read and Accepted and

*Ordered* that the Consideration of this Petition be referred accordingly.

In the House of Rep.

Read & concurred. [Passed June 23.<sup>1</sup>

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is June 16.

## CHAPTER 50.

ORDER ALLOWING £125 FOR STORES FOR THE JOURNEY OF THE GOVERNOR TO ALBANY.

Legislative Records of the Council, xviii., 381. Mass. Archives, xxxi., 593.

*Ordered* that the Sum of One hundred & Twenty five pounds be granted & allow'd to be paid out of the publick Treasury to the Commissary General in order to enable him to purchase & provide the necessary Stores for his Excelleneys aeccommodation in his Journey & Voyage to Albany. [Passed June 23.

House Journal, p. 59. *Ante*, p. 151, chap. 23.

## CHAPTER 51.

ORDER IMPOWERING THE COMMITTEE OF WAR TO PAY THE EXPENSES OF THE CAPE BRETON EXPEDITION OUT OF THE APPROPRIATION FOR THE CANADA EXPEDITION.

A MEMORIAL of John Osborne Esqr in behalf of the Committee of War shewing, that they expect Demands will be made upon them, respecting the late Expedition against Cape Breton, & have Nothing in their hands to satisfy them, proposing by the Leave of the Court, to make Use of such Money as may be raised out of the Stores laid in for the Expedition against Canada.

Legislative Records of the Council, xviii., 382. Mass. Archives, lxxiii., 186.

Read &

*Orderd* that the Committee of War have liberty to pay out of the monys raisd for y<sup>e</sup> Canada Expedition what Sumis are necessary for the Cape Breton Expedition until the next sitting of the Court an Account of such payments then to be laid before the Court. [Passed June 23.

Mass. Archives, lxxiii., 185. House Journal, p. 59. Province Laws, xlii., 465, chap. 1.

## CHAPTER 52.

ORDER FOR JOHN CHOATE ESQR TO PAY £30 INTO YE TREASURY.

Legislative Records of the Council, xviii., 383. Mass. Archives, cit., 386.

WHEREAS the Sum of Fifty pounds has been paid out of the Treasury to John Choate Esq to provide for a designd Voyage to Quebec as Commissioner for the Exehange of Captives

Mass. Archives, cxxiv., 267. House Journal, p. 57 (June, 1747); p. 61. *Ante*, p. 26, chap. 53.

*Order d* That the s<sup>d</sup> John Choate Esq pay into the province Treasury the Sum of Thirty pounds & that thereupon he be dischargd of the whole of the aforesaid Sum of Fifty pounds. [Passed June 24.

## CHAPTER 53.

VOTE APPOINTING A COMTEE TO CHOOSE FARMERS OF YE EXCISE IN YE SEV<sup>L</sup> COUNTIES.

*Voted*

That James Allen & Adam Cushing Esqr with such as the Hon<sup>e</sup> Board shall join be & hereby are appointed a Committee to let to Farm the Excise in the County of Suffolk pursuant to an Act for granting an Excise &c. as passd this Court in the present Session

Legislative Records of the Council, xviii., 383. Mass. Archives, cxix., 402.

House Jour-  
nal, pp. 24, 32,  
61. Province  
Laws, iii., 411,  
chap. 4; 448,  
note.

That Thomas Rowell & James Collins<sup>1</sup> Esqr with such as the Hon<sup>e</sup> Board shall join be a Committee for the purposes aforesaid in the County of Essex

Andrew Boardman Esq & Mr James Russel w<sup>th</sup> such as the Hon<sup>e</sup> Board shall join in the County of Middlesex John Worthington Esqr & Mr Phineas Lyman with such as the Hon<sup>r</sup> Board shall Joyn in the County of Hampshire

Nahum Ward Esqr & Capt<sup>t</sup> Will<sup>m</sup> Richardson with such as the hon<sup>d</sup> Board shall Joyn in the County [of] Worster

Isaae Little Esqr & Thomas Foster Esqr with such as the hon<sup>d</sup> Board shall Joyn in the County of Plimouth

James Otis Joseph Thatcher Esqrs with such as the hon<sup>d</sup> Board shall Joyn in the County of Barnstable

Capt<sup>u</sup> samuel Tyler & James Williams Esqr with such as the hon<sup>d</sup> Board shall joyn in the County of Bristol

John Storer simon Frost Esqrs with such as the hon<sup>d</sup> Board shall Joyn in the County of York

M<sup>r</sup> John sunner & M<sup>r</sup> John Norton with such as the hon<sup>d</sup> Board shall joyn in Dukes County

M<sup>r</sup> Abijah Folger & M<sup>r</sup> Josiah Coffins with such as the hon<sup>d</sup> Board shall joyn in the County of Nantucket

Read & Coneur'd & Jacob Wendell Esqr is joined to the s<sup>d</sup> Comm<sup>ee</sup> to let to Farm the Excise in the County of Suffolk Thos Berry Esq. in the County of Essex Ezekiel Cheever Esqr in the County of Middlesex Joseph Pynchon Esqr in the County of Hampshire John Chandler Esqr in the County of Worcester John Cushing Esqr in the County of Plimouth John Otis Esqr in the County of Barnstable Geo: Leonard Esqr in the County of Bristol Jeremiah Moulton Esqr in the County of York Zachens Mayhew Esqr in Dukes County John Bunker Esqr in the County of Nantucket. [Passed June 24.

## CHAPTER 54.

### ORDER REFERRING ALL UNFINISHED MATTERS.

Legislative  
Records of the  
Council, xviii.,  
34. Mass.  
Archives,  
xlix., 232.  
House Jour-  
nal, p. 62.

*Orderd* that all matters, & things which have been before the Court for consideration during their present Sitting, & have not yet been finally determined on be referrd to the next Sitting of this Court for further consideration. [Passed June 24.

<sup>1</sup> The House Journal, p. 61, reads, "That Col. Hale and Mr. Rowell."

## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-SIXTH DAY OF OCTOBER, A.D. 1748.

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### CHAPTER 55.

#### VOTE DESIRING YE GOV<sup>R</sup> & COUNCIL TO APPOINT A THANKSGIVING.

Legislative  
Records of the  
Council, xviii.,  
387. Mass.  
Archives, xii.,  
521.

House Jour-  
nal, p. 67.  
Love's Fast  
and Thanks-  
giving Days of  
New England,  
p. 495.

*Voted* that His Excellency be desired with the Advice of His Majesty's Council to appoint a Day of publick Thanksgiving to Almighty God, in consideration of the many favours received in the course of the Year past; and that all Servile Labour be forbidden on said Day.<sup>1</sup> [Passed \* October 28.

### CHAPTER 56.

#### ORDER ADJOURNING YE COURTS IN HAMPSHIRE COUNTY.

WHEREAS the time by Law established for holding the next Court of General Sessions of the Peace & Inferior Court of Common pleas for the county of Hampshire is the second Tuesday of November next at Northampton at which time it is probable this Court may be sitting, & the attendance of two of the Justices of said Inferior Court; & sundry of the Justices of said General Sessions of the Peace will be expected at this Court.

Legislative  
Records of the  
Council, xviii.,  
389. Mass.  
Archives, xlvi.,  
744.

House Jour-  
nal, p. 70.  
Province  
Laws, iii., 64,  
chap. 32.

Therefore

*Ordered* That the said Court of General Sessions of the Peace & Inferior Court of Common pleas be Adjourned to the first Tuesday of December next then to be holden at said Northampton and that all matters Processes or actions whatsoever that should have had Day or Days in said Courts on the second Tuesday of November aforesaid, shall have Day or Days in said Courts on said first Tuesday of December and be then heard & Determined. Also that the Sheriff of the County of Hampshire be directed to post up Copys of this Order in the Shire Town in said County & in the Town where said Court is to be holden, and that the same be Transmitted to him as soon as may be for that Purpose. [Passed October 29.

<sup>1</sup> The Thanksgiving day was appointed for November 24, 1748, and was public.

## CHAPTER 57.

## ORDER ALLOWING THE ACCOMPT OF THE TREASURER OF SUFFOLK CO.

Legislative  
Records of the  
Council, xviii.,  
389.  
389.

House Jour-  
nal, pp. 11, 66,  
69.

AN ACCOMPT presented by Edward Winslow Esq<sup>r</sup> Treasurer of the County of Suffolk for the Year 1747, having been laid before the Court of General Sessions of the Peace for said County & there allowed.

Read &

*Ordered* that the Accomp<sup>t</sup> be allowed, & that the Ballance thereof being Five pounds thirteen Shillings & eight pence the s<sup>d</sup> County be accountable to the s<sup>d</sup> Treasurer for. [Passed October 29.]

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## CHAPTER 58.

## ORDER GRANTING TO WALTER SMITH LICENCE TO RETAIL STRONG DRINK.

Legislative  
Records of the  
Council, xviii.,  
389. Mass.  
Archives, exi.,  
152.

House Jour-  
nal, p. 68.

A PETITION of Walter Smith of Salem Village, praying that this Court would empower the Justices of the Court of General Sessions of the Peace for the County of Essex to grant him a Licence to retail strong Drink in said Places; The time Stated by Law for granting Licencies this Year being elapsed

Read and

*Ordered* that the Justices of the Gen<sup>t</sup> Sessions of the Peace for the County of Essex be allowed and empowered (if they See cause) at their next Session to grant the Pet<sup>r</sup> a Licence to Retail strong Liquors, the time for granting Licences being elapsed notwithstanding. [Passed October 29.]

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## CHAPTER 59.

## ORDER ALLOWING £12. 10 TO MOSES HOYT.

Legislative  
Records of the  
Council, xviii.,  
390. Mass.  
Archives,  
lxxiii., 213.

House Jour-  
nal, pp. 67, 70.

Province  
Laws, xiii., 465,  
chap. 1. *Ante*,  
p. 56, chap.  
142.

A PETITION of Moses Hoyt a Soldier in the late Expedition against Cape Breton, Shewing that by his Wounds there received he is rendered uncapable of Labour, & therefore praying for some further Allowance from this Court for the Support of himself & Family.

Read and

*Ordered* that the Pet<sup>r</sup> be allowed by the Comm<sup>ee</sup> of War twelve pounds ten Shill<sup>g</sup>s in consideration of his sufferings within mentioned. [Passed November 1.]

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## CHAPTER 60.

ORDER ALLOWING £5 TO TIM<sup>O</sup> BARRON.

Legislative  
Records of the  
Council, xviii.,  
390. Mass.  
Archives,  
lxxiii., 205.

A PETITION of Timothy Baron a Soldier in the late Expedition against Cape Breton, praying for some further Allowance from this Court in Consideration of his Wounds there received, whereby he is still disabled from Labour.

Read and

*Ordered* that the Comm<sup>ee</sup> of War be directed to Pay to Capt Sam<sup>l</sup> Chamberlain the sum of five pounds to be by him improved for the benefit of the Petitioner. [Passed November 1.]

House Journal, pp. 68, 70.  
Province Laws, xiii., 465,  
chap. 1. *Ante*, p. 48, chap. 119.

## CHAPTER 61.

ORDER IMPOWERING THE 2<sup>ND</sup> PRECINCT IN SUTTON TO LEVY AND COLLECT A TAX ON LAND OF TWO PENCE HALF PENNY PER ACRE.

A PETITION of Solomon Holman Agent for the second Precinct in Sutton, Setting forth their Difficulties by reason of their small Number to support their Minister; And praying that they may be allowed to lay a Tax of two pence half penny p Acre on the unimproved Lands in said Precinct which belong to Non resident Proprietors, or any other Tax which this Court shall Judge reasonable for the Support of their Minister.

Legislative Records of the Council, xviii., 359. Mass. Archives, xii., 473.

Read and

*Ordered* that a Tax of two pence half penny per Acre be impos'd upon the unimproved Lands herein mentioned to be applyed towards defreying the Charge of building a Meeting House in said Parish, And that Solomon Holman Francis Kidder and Abel Chase the present Assessors be and they hereby are Impowered to Assess the Tax upon the Nonresident Prop<sup>r</sup>s of s<sup>d</sup> Lands And y<sup>t</sup> Sam<sup>l</sup> Buck be and he is hereby Impowered to Collect said Tax They to be respectively Sworn to the faithful discharge of said Trusts. [Passed November 1.]

Mass. Archives, xii., 472. Legislative Records of the Council, xviii., 390. House Journal, pp. 22, 70.

## CHAPTER 62.

ORDER ALLOWING THE ACCO<sup>T</sup> OF THE TREAS<sup>R</sup> OF MIDD<sup>X</sup> C<sup>O</sup>.

AN ACCOMPT presented by Daniel Russell Esq<sup>r</sup> Treasurer of the County of Middlesex for the Year 1747. having been by him laid before the Court of General Sessions of the Peace for said County & by them allowed

Legislative Records of the Council, xviii., 391.

Read &

*Ordered* that the within Accompt be allowed & that the Ballance thereof being Nineteen Pounds seventeen Shillings & Eleven pence the said Treasurer be further accountable for.<sup>1</sup> [Passed November 1.]

House Journal, p. 11.

## CHAPTER 63.

VOTE ACCEPTING THE REPORT OF YE COMTEE ON YE AFFAIR OF YE REIMBURSEM<sup>T</sup> OF CHARGES OF THE EXPEDITION AGAINST CAPE BRETON.

THE COMMITTEE appointed to consider that part of his Excellency's Speech which relates to the Money granted by Parliament for reimbursing the Expence of taking & keeping Cape Breton

Legislative Records of the Council, xviii., 392.

<sup>1</sup> The final action on this account is not found in the House Journal.

Mass.  
Archives, cit.,  
392. Legisla-  
tive Records of  
the Council,  
xviii., 385, 388.  
**House Jour-**  
**nal**, pp. 67, 73.  
*Ante*, p. 103,  
chap. 263.

having attended that Service, report as thir Opinion, That Messengers be forthwith dispatch'd to the Governments of Connecticut, New Hampshire and Rhode Island, again desiring them to appoint Commissioners to meet the last Wednesday of this Month, or as soon after as may be at Boston, to treat with Commissioners from this Court upon the best Method of Applying the Money granted by Parliament to the Redemption of the Bills of Credit & upon Ways & Means effectually to regnlate the Currencies of these Governments for the future, And that a proper Letter be prepared to be sent Home by the first Ship, signifying the Court's continuing in their Resolution to apply the Grant of Parliament to the Redemption of the Bills so far as it shall be sufficient for that purpose, & to sink the Remainder of the Bills at the same Time in the Manner proposed by the Bill sent from this Court or in such other effectual Way as shall be agreed on. Read & Accepted; and the Committee are directed to prepare a Letter accordingly. [Passed November 3.<sup>1</sup>

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## CHAPTER 64.

### ORDER ACCEPTING THE REPORT OF YE COMTEE FOR FARMING THE EXCISE IN YE C<sup>O</sup> OF SUFFOLK.

Legislative  
Records of the  
Council, xviii.,  
392. Mass.  
Archives,  
exix., 414.

House Jour-  
nal, pp. 61, 75.  
*Ante*, p. 161,  
chap. 53.

THE COMMITTEE appointed the 24<sup>th</sup> of June last to farm out the Excise on Liquors &c<sup>a</sup> in the County of Suffolk have attended that Service and sold the same to the highest Bidder, Capt<sup>t</sup>. Jeffry Bedgood for Two thousand five hundred Pounds Bills of the last Tenor p Annun for three Years commencing the 29<sup>th</sup> of June last, & have taken three Bonds, executed by said Bedgood, William Coffin & Thomas Green for the Payment of the same to the Province Treasurer, to whom we have delivered said Bonds.

JACOB WENDELL p Order

Read & Accepted. [Passed November 3.

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## CHAPTER 65.

### ORDER IMPOWERING THE INHABITANTS OF THE PARISH OF CHEBACCO TO CHOOSE A COLLECTOR OF TAXES.

Legislative  
Records of the  
Council, xviii.,  
393. Mass.  
Archives, xii.,  
505.

Mass.  
Archives, xii.,  
504. House  
Journal, p. 73.

A PETITION of Jeremiah Foster in behalf of the second Parish in Ipswich called Chebacco, shewing that in their last March Meeting by reason of some Misapprehensions among the Inhabitants they neglected to chuse a Collector of their Parish Taxes, And therefore praying that they may be now impowered by this Court to chuse such an Officer

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and that the qualifed Voters be, and they hereby are Impowered at their next Legal Meeting to Chuse a Collector for the purposes within mentioned. [Passed November 3.

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council and the House Journal the date is November 2.

## CHAPTER 66.

ORDER IMPOWERING THE INHABITANTS OF THE TETTICUTT PRECINCT IN BRIDGEWATER AND MIDDLEBRO TO CHOOSE A COLLECTOR OF TAXES.

A PETITION of David Lock in behalf of Tetticutt Precinct in the Town of Middleborō shewing that by reason of some Mistakes they failed in the proper Season of chusing a Collector of Precinct Taxes, praying that the s<sup>d</sup> Precinct may be now impowered to chuse such an Officer

Read and

*Ordered* that the Prayer of this Pet<sup>n</sup> be granted and that the qualifed Voters of the abovementioned Precinct<sup>1</sup> be and they hereby are Impowered at their next Legal Meeting to Chuse a Collector or Collectors for the s<sup>d</sup> Precinct; the time for Chusing such Officers being elapsed notwithstanding. [Passed November 3.]

Legislative Records of the Council, xviii., 393. Mass. Archives, cxv., 434.

House Journal, p. 73.

## CHAPTER 67.

ORDER ALLOWING £3 TO YE TOWN OF BROOKLYN, FINE FOR NOT SEND-  
ING A REPRESENTATIVE.

*Ordered* that the Treasurer be directed to pay to the Select Men of the Town of Brooklyn the Sum of Three pounds in Consideration of their being Overcharged in the Tax Bill that Sum laid upon them as a Fine for not sending a Representative Anno. 1746. [Passed November 3.]

Legislative Records of the Council, xviii., 393.

House Journal, p. 74.

## CHAPTER 68.

VOTE FOR ESTABLISHMT OF THE COMMANDING OFFICER AT CASTLE W<sup>M</sup>.

*Voted* that from the Commencement and till the expiration of the present Establishment of the Officers and Soldiers at Castle William the Establishment of the Commanding Officer there, be One hundred pounds per Annum. [Passed November 4.]

Legislative Records of the Council, xviii., 394. Mass. Archives, lxxiiii., 244.

Legislative Records of the Council, xviii., 373. House Journal, p. 74. Province Laws, iii., 370, chap. 9. *Ante*, p. 156, chap. 36.

## CHAPTER 69.

VOTE IN REGARD TO THE ESTABLISHMT OF PAY SUBSISTENCE & LOCA-  
TION OF YE FORCES ON YE FRONTIERS.

*Voted*, that the Establishment of pay and Subsistance of the forces on the Frontiers, which expired the 15<sup>th</sup> of October last be further continued to the 12<sup>th</sup> day of November Instant, and that from thence to the first day of March next there be pay and Subsistance granted and allowed to four hundred Seventy four Men only, including all such Voluntiers as have inlisted on the Incouragement granted by this Court. and that his Excellency the Captain General be desired to give order for the Reduction of the said Forces to the Number

Legislative Records of the Council, xviii., 394. Mass. Archives, lxxiiii., 242.

House Journal, pp. 75, 108. *Ante*, p. 108, chap. 273.

<sup>1</sup> The House Journal, p. 73, adds, "so called in Bridgewater."

of 474 men including Officers accordingly, but in case a peace with the Indians be concluded on, at any time before the said Establishment Expires, that then his Excellency be desired to give order for the Dismissal of so many of the said 474 men as are not posted in the Forts and Block houses, built at the Charge of the Province

*Voted* also that his Excellency be earnestly desired to give Order that all such Soldiers as have been in the Service more than Twelve Months (Other than such Voluntiers as aforesaid) have the Preferance of a Dismissal; That his Excellency be desired also to Give Order that the said 474 men be posted in the following manner Viz<sup>t</sup>

At the Trux house on St George's River . . . . .	30 Men
The Block house there . . . . .	15
Pemoquid Fort . . . . .	24
Richmond Fort . . . . .	24
Fort George . . . . .	12
Saco Bloek house . . . . .	12
And for Guarding the most exposed Parts of the Towns & Settlements from Salmon Falls to Damariscotta River 206 Including 8 Inhabitants, at Phillips Town, 7 at Gorham's town, & 9 at New Marblehead . . . . .	206
At Fort Massachusetts . . . . .	40
At the three Blockhouses in the line next to the Eastward thereof 15 Each . . . . .	45
	—
Number 4 . . . . .	408
Ashelots . . . . .	30
Colerain 10 being Inhabitants and Fall Town 11, Six whereof to be Inhabitants	15
	21
	—
	474

Also

*Voted* that the Governoir of Connecticut be desired to send fifty men to Deerfield & Northfield for their Seurity this Winter but least those Towns be too much exposed in the mean time should all the Soldiers be drawn off from them, now

*Voted* that twenty five men (part of the forces proposed in this Vote to be Dismissed) be detained in the Service for Seurity to those Towns till the said first day of March unless the said Connectient Forces shall Relieve them sooner.

*Voted* also, that the Chaplain & Chirurgeons pay where Chaplain & Surgeon have been in the Service in consequence of a Vote of the Court and there is no Establishment, be £44. 7. 6 per Annum.  
[Passed November 4.]

## CHAPTER 70.

### ORDER ACCEPTING THE REPORT OF YE COMMTEE ON HAVERHILL AFFAIR AND CALLING A TOWN MEETING.

Legislative  
Records of the  
Council, xviii.,  
355. Mass.  
Archives, exv.,  
336.

Mass.,  
Archives, exv.,  
334. House  
Journal, pp. 76,  
77. *Ante*,  
p. 160, chap. 49.

JOHN QUINCY Esq<sup>r</sup> from the Committee of both Houses on the Petition of Richard Saltonstall Esq<sup>r</sup> & others of Haverhill gave in their Report [as follows].

The Comittee appointed to consider the Memorial of Richard Saltonstal Esq<sup>r</sup> and others of the Town of Haveril complaining of the irregular proceeding of the Town at their Second Meeting in April last by the Special Order of this Court for the Choice of Town Officers: haveing heard the Parties & fully considered that Affair Report That the Said Meeting be Set aside and that all proceedings Consequent thereon, be declared null & void; And That the Select Men for the Year 1747 be directed Forthwith to Issue Another Warrant for the Assembling Said Town Some time in this present Month of Nov<sup>br</sup> for the Choiee of all Town Officers which

Towns by Law are enabled to Choose at the usual place of Meeting in Said Town And Whereas it Appears to this Committee that no valuation of Estates hath been taken this present year in that Town Agreeable to Law That the rule for regulating the S<sup>d</sup> Meeting in the Choice of a Moderat<sup>r</sup> Etc: Shall be the List of Rates for the year 1747 as by Law Directed

all which is humbly Submitted

By order of the Committee

J QUINCY

Read & Accepted, &

*Ordered* that the said Meeting be set aside, & all the Proceedings thereon, are declared null & void, And the Selectmen of the Town of Haverhill for the Year 1747, are impowered & directed forthwith to issue a Warrant to One or more of the Constables of said Year, for Assembling the Inhabitants thereof at their usual Place of Meeting, sometime in this present Month, in order to chuse all such Officers as Towns by Law are enabled to do: And whereas no Valuation hath been taken in Manner as the Law requires this present Year, That the Rule for regulating the said Meeting in the Choice of such Officers be the List of Rates for the Year 1747, as by Law directed; And that John Choate Esq<sup>r</sup> be the Moderator of said Meeting; And the Select Men are required seasonably to Notify him of the Day & Hour of said Meeting. [Passed November 4.

## CHAPTER 71.

### ORDER ALLOWING £25 AND £75 TO JOSIAH WILLARD, ESQ<sup>R</sup>, SECRETARY FOR A CLERK.

A MEMORIAL of Josiah Willard Esq<sup>r</sup> Secretary, Praying that this Court would make an Allowance for a Clerk in his Office this present Year; And for as much as the last Year's Allowance was not sufficient for his Support; That they would enlarge the Grants as well for the last as the present Year.

Read and

*Ordered* that the Sum of twenty five pounds be allowed the Secretary for a Clerk in his Office in addition to the last Years Grant for that purpose. & the Sum of Seventy five pounds for the present Year. [Passed November 4.

Legislative Records of the Council, xviii., 395. Mass. Archives, xlix., 236.

Mass. Archives, xlix., 235. House Journal, pp. 73, 74, 77. *Ante*, p. 93, chap. 231.

## CHAPTER 72.

### ORDER ALLOWING THE ACCOMPT OF THE TREASURER OF PLIM<sup>O</sup> COUNTY.

AN ACCOMPT presented by Edward Winslow Esq<sup>r</sup> Treasurer of the County of Plimouth for the Year 1747, having been laid before the Court of General Sessions of the Peace for the said County & by them allowed.

Read &

*Ordered* that the within Accompt be allowed, & that the Ballance thereof being Seven Pounds Nine Shillings & eight pence, the said County is accountable to said Treasurer for. [Passed November 4.

Legislative Records of the Council, xviii., 395.

House Journal, pp. 11, 73.

## CHAPTER 73.

## VOTE ALLOWING SUBSISTENCE TO LIEUT DUDLEY BRADSTREET.

Legislative  
Records of the  
Council, xviii.,  
396. Mass.  
Archives,  
lxxiii., 234.

Mass.  
Archives,  
lxxiii., 234—238.  
House Jour-  
nal, pp. 25, 69,  
77.

A PETITION of Lieut Dudley Bradstreet, praying for an Allowance from this Court for his Service at the Fort called Fort Dummer for the Space of twenty Weeks where he was posted by Order of the Governour.

Read and Inasmuch as the Petitioner was Posted At Fort Dummer by order of His Excellency the Gov<sup>r</sup> therefore

*Voted* that He be allowed out of the Treasury Seven Shillings per Week for twenty Weeks in consideration for his Subsistance whilst in that Service. [Passed November 5.

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## CHAPTER 74.

ORDER ALLOWING PAY FOR ONE MONTH TO CPT. ELEAZ<sup>R</sup> MELVIN AND COMPANY.

Legislative  
Records of the  
Council, xviii.,  
396.

Legislative  
Records of the  
Council, xviii.,  
372. House  
Journal, p. 78.

A PETITION of Cap<sup>t</sup> Eleazar Melvin, Shewing that at the Desire of several Gentlemen in the Government, when Lunenburg & other Towns on that Frontier were in great Terror, by the Approach of the Enemy, the Petitioner went to their Releif & in Quest of the Enemy; Praying for the Allowance of One Month's pay for himself & Company being the Time they were upon that Service Read and

*Ordered* that the Prayer of the Petition be granted, & that the Petition<sup>r</sup> be allowed two Shillings & six pence p Week for the twenty five Men within mentioned for one Month accordingly. [Passed November 5.

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## CHAPTER 75.

ORDER ACCEPTING THE REPORT OF YE COMTEE FOR FARMING THE EX-  
CISE IN YE CO<sup>O</sup> OF BRISTOL.

Legislative  
Records of the  
Council, xviii.,  
396. Mass.  
Archives,  
cxix., 413.

House Jour-  
nal, pp. 61, 79.  
*Ante*, p. 161,  
chap. 53.

THE COMMITTEE Who ware appointed to Farme out the Excise on Brandy Rum and other Liequrs sold by Retaile in the County of Bristol and on Limes and Lemons &c Hane attended that sarnie and Farmed it out for three years from ye 29<sup>th</sup> of June Last to sammell White Esqr of Taunton for one Hundred and Twenty Eight Pound in Bills of ye Last Emission a year and Taken security for the Payment thare of and deliured the Bonds to the Prouince Treasurer

dated October 28<sup>th</sup> 1748

GEORGE LEONARD  
JAMES WILLIAMS

Read and accepted. [Passed November 5.

## CHAPTER 76.

## VOTE IN REGARD TO THE PRISONERS IN TAUNTON GOAL.

A PETITION of Othniel Trip & others Prisoners in the Goal of the County of Bristol Shewing that they were impressed as Soldiers for the Frontiers, & were imprisoned for not paying their Fines for not proceeding in that Service, which is contrary to their Consciences; And for as much as said Prison is not sufficient to keep them from the Cold; Therefore praying that they may be discharged from their Imprisonment.

Legislative Records of the Council, xviii., 397. Mass. Archives, lxxiii., 212.  
Mass. Archives, lxxiii., 211. House Journal, p. 79.

In the House of Rep<sup>ves</sup>

Read and Inasmuch as it appears to this House that the Goal in the Shire Town of the County of Bristol is insufficient for the Prisoners now confined there; Therefore

*Voted* that the Sheriff of said County be allowed and directed to Confine the Petitioners in some more convenient place, until they have Satisfyed the Law

In Council Read and Concurred. [Passed November 5.

## CHAPTER 77.

## ORDER ACCEPTING THE REPORT OF THE COMMITTEE FOR FARMING THE EXCISE IN THE COUNTY OF MIDDLESEX.

THE COMMITTEE appointed to Let to farm the Excise on Spirituous Liquors &c Sold by Reta'le in the County of Middlesex Have attended that Service & have let to farm the Same to Thadeus Mason for the Sum of Seven hundred Eighty Seven Pounds Ten Shillings Bills of the last Emition Per Annum for the Space of Three Years from the 29 June last and have taken bonds for the Annual Payment of the Same to the Province Treasurer for the Use of y<sup>e</sup> Province and have Lodged the S<sup>d</sup> Bonds with Said Treasurer

Mass. Archives, exix., 417.  
House Journal, pp. 61, 79.  
*Ante*, p. 161, chap. 53.

Boston November 5<sup>th</sup> 1748

By Order of the Committee

EZEK: CHEEVER

Read and Accepted. [Passed November 5.

## CHAPTER 78.

## ORDER DIRECTING THE COMMITTEE FOR SIGNING BILLS OF CREDIT TO STRIKE OFF £10,000, AND APPOINTING A COMMITTEE FOR BURNING TORN AND DEFACED BILLS OF CREDIT IN THE TREASURY.

IN THE HOUSE OF REP<sup>VES</sup> Whereas it appears to the House that a considerable part of the Bills which have been recievied for Taxes, are defaced and unfit to be Issned out of the Treasury, agreeable to the design of the last Supply Act. Therefore

Legislative Records of the Council, xviii., 398. Mass. Archives, cii., 390.

*Ordered* that the Comm<sup>ee</sup> last appointed for Signing Bills be directed to Cause to be Struck off from the highest Plate and Signed and delivered to the Treasurer A Sum not exceeding ten thousand pounds, and that Mr Speaker Mr Allen Mr Hubbard Mr

Mass. Archives, cii., 389. House Journal, p. 50 (June, 1746); p. 147 (October,

1747); pp. 82,  
83. Province  
Laws, xiii., 699,  
chap. 47; 643,  
chap. 148.

Tyng Col Heath Col<sup>o</sup> Choate and M<sup>r</sup> Russell with such as the Hon<sup>ble</sup> Board shall Joyn be a Comm<sup>ee</sup> in the recess of the Court to take an acc<sup>t</sup> of the torn and defaced Bills in the Treasury and Cause the same to be Consumed to Ashes and make report of their doings to this Court.

In Council Read & Concurred And John Osborne, Ezek<sup>l</sup> Lewis, Jacob Wendell, Samuel Welles, Daniel Russell, Andrew Oliver & Ezekiel Cheever Esq<sup>rs</sup> are joined to the Committee for burning Bills &c<sup>a</sup>. [Passed November 8.]

## CHAPTER 79.

### ORDER ALLOWING £5 TO SARAH READ, ADM<sup>X</sup>.

Legislative  
Records of the  
Council, xviii.,  
395. Mass.  
Archives,  
lxxiiii., 202.

Mass.  
Archives,  
lxxiiii., 201-203.  
House Jour-  
nal, pp. 70, 79.

A PETITION of Sarah Read Administ<sup>x</sup> of Josiah Read Dec<sup>d</sup> who was captivated by the Enemy, when Fort Massachusetts was taken, & afterwards killed by them, praying for an Allowance for his Cloaths & Gun then lost.

Read and

Order'd that the petitioner be allowed out of the publick Treasury the Sum of five pounds in consideration of the Loss of the Gun herein mentioned. [Passed November 8.]

## CHAPTER 80.

### ORDER ACCEPTING THE REPORT OF THE COMTEE FOR FARMING THE EXCISE IN THE CO<sup>O</sup> OF ESSEX.

Legislative  
Records of the  
Council, xviii.,  
397. Mass.  
Archives,  
exix., 418.

House Jour-  
nal, pp. 61, 73.  
Ante, p. 161,  
chap. 53.

THE COMMITTEE Appointed to Let out To Farm the Excise on Rum & other distilled Liquors &c for the County of Essex. Have Attended that Service And have Farmed out the Same from the 29 of June Last, for Three Years To M<sup>r</sup> Benjamin Prescott jun<sup>r</sup> and have taken Three severall Bonds from the said Benjamin Prescott Benjamin Prescott,<sup>1</sup> and Cap<sup>t</sup> Daniel Epes for the annuall Payment of Seven Hundred Seventy Six pounds, & Five Shillings, payable to the Province Treasurer. And Have delivered the same to M<sup>r</sup> Treasurer Foye.

By Order of the Com<sup>tee</sup>

THO BERRY

Read and Accepted. [Passed November 9.<sup>2</sup>]

## CHAPTER 81.

Legislative  
Records of the  
Council, xviii.,  
400. Mass.  
Archives,  
lxxiiii., 249.  
House Jour-  
nal, p. 85.

### ORDER ALLOWING £200 TO Y<sup>E</sup> COMMISSARY GENERAL.

Ordered that two hundred pounds be allowed and paid out of the Pnblck Treasury to John Wheelwright Esq<sup>r</sup> Commissary General for his Service in that Office for One Year. [Passed November 9.<sup>3</sup>]

<sup>1</sup> *Sic.*

<sup>2</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is November 8.

<sup>3</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is November 10.

## CHAPTER 82.

ORDER ACCEPTING THE REPORT OF YE COMTEE FOR FARMING THE EXCISE IN YE CO OF BARNSTABLE.

THE COMMITTEE for Farming the Excise in the County of Barnstable On Rum, Brandy And Other Distilled Spirits Sold by Retail And On Limes, Lemons, And Orranges. Have Attended that Service And they Have Farmed the Same to David Gorham Esq<sup>r</sup> for the terme of Three Years from the 29<sup>th</sup> day of June Last att the Rate of One Hundred And Fifty Four pounds And Ten Shillings p<sup>r</sup> Annum And have taken his Bond with Sufficient Sureties for the Payment of the Same, And Have Lodged the Same with the Province Treasurer

Legislative Records of the Council, xviii., 401. Mass. Archives, exix., 419.

House Journal, pp. 61, 79. Ante, p. 161, chap. 53.

JOHN OTIS p<sup>r</sup> order of the Committee

Read and accepted. [Passed November 9.<sup>1</sup>

## CHAPTER 83.

ORDER ACCEPTING THE REPORT OF YE COMTEE ON YE PET<sup>N</sup> OF MOSES EMERSON AND ALLOWING £300.

A MEMORIAL of Moses Emerson One of the Commissaries in the late intended Expedition against Canada, Setting forth his Services & Expences in taking Care of the publick Stores of this Province left at Albany, & praying for some proper Allowance.

Legislative Records of the Council, xviii., 388, 397. Mass. Archives, lxxiii., 225.

John Osborne Esq<sup>r</sup> reported on the Petition of Moses Emerson from the Comtee appointed to consider the same, That it was their Opinion, that three hundred Pounds in the Bills of the last Emission be allowed to the Petitioner for his Services mentioned in his Petition.

Mass. Archives, lxxiii., 224. House Journal, pp. 67, 85, 86. Province Laws, xiii., 596, chap. 8. Ante, p. 132, chap. 336.

Read and

Ordered that this Report be accepted and that the Comm<sup>e</sup> of War be directed to pay the Pet<sup>r</sup> three hundred pounds accordingly. [Passed November 10.<sup>2</sup>

## CHAPTER 84.

ORDER ALLOWING £1,000 TO YE JUDGES OF YE SUP<sup>R</sup> COURT.

Ordered that the Sum of One thousand pounds be allowed & paid out of the Publick Treasury to the Hon<sup>ble</sup> his majestys Justices of the Superior Court of Judicature Court of Assize & General Goal Delivery for their Service for One Year ending the first of January next. [Passed November 10.

Legislative Records of the Council, xviii., 399. Mass. Archives, xlii., 752.

House Journal, p. 84.

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is November 10.

<sup>2</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is November 8.

## CHAPTER 85.

## ORDER ALLOWING £40 TO THE SECRETARY.

Legislative Records of the Council, xviii., 339.  
House Journal, p. 84. *Ordered* that the Sum of Forty pounds be granted & allowed to be paid out of the publick Treasury to Josiah Willard Esq<sup>r</sup> Secretary of this Province in full for his Service one Year, ending the third Day of December next. [Passed November 10.]

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## CHAPTER 86.

## ORDER ALLOWING £160 ADDITIONAL TO YE SECRETARY.

Legislative Records of the Council, xviii., 339.  
House Journal, p. 84. *Ordered* that the Sum of One hundred and sixty Pounds be granted & allowed to be paid out of the publick Treasury to Josiah Willard Esq<sup>r</sup> Seeretary &c. in Consideration of his extraordinary Services to the third Day of December next. [Passed November 10.]

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## CHAPTER 87.

## ORDER ALLOWING £350 TO YE PRESIDENT OF HARVARD COLLEGE.

Legislative Records of the Council, xviii., 400. Mass. Archives, xviii., 338.  
House Journal, p. 84. *Ordered* that the sum of three hundred and fifty pounds be granted & allowed to be paid out of the Publick Treasury to the Rev<sup>d</sup> Edward Holyoke President of Harvard Colledge over & above the Rents of Massachusetts Hall for One Year ending the 10<sup>th</sup> day of Sept<sup>t</sup> next to be paid Quarterly. [Passed November 10.]

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## CHAPTER 88.

## ORDER ALLOWING £160 TO TREASURER FOYE.

Legislative Records of the Council, xviii., 400.  
House Journal, p. 84. *Ordered* that the Sum of One hundred & sixty Pounds be granted & allowed to be paid out of the publick Treasury to William Foye Esq<sup>r</sup> Treasurer & Receiver General of his Majesty's Revenues of this Province for One Year ending the 2<sup>d</sup> day of January next. [Passed November 10.]

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## CHAPTER 89.

## ORDER ALLOWING £190 ADDITIONAL TO YE TREASURER.

Legislative Records of the Council, xviii., 400.  
House Journal, p. 85. *Ordered* that the Sum of One hundred & ninety Pounds be granted & allowed to be paid out of the publick Treasury to William Foye Esq<sup>r</sup> Treasurer &c. in Consideration of his extraordinary Services occasioned by the War. [Passed November 10.]

## CHAPTER 90.

ORDER ALLOWING 2/6 PER DIEM TO YE SPEAKER.

*Ordered* that there be granted & allowed to be paid out of the publick Treasury two shillings & six pence per Diem to the Speaker of the House for every day of his Attendance in the General Court from the Opening of the Sessions on the 25<sup>th</sup> day of May, 1748, to the End of the Year, over & above his Pay as a Member of the House. [Passed November 10.]

Legislative Records of the Council, xviii., 400.  
House Journal, p. 85.

## CHAPTER 91.

ORDER ALLOWING £120 TO YE CLERK OF YE HOUSE.

*Ordered* that the Sum of One hundred & twenty Pounds be granted & allowed to be paid out of the publick Treasury to Roland Cotton Esqr Clerk of the House for his Servicee in that Trust in the present Year. [Passed November 10.]

Legislative Records of the Council, xviii., 400.  
House Journal, p. 85.

## CHAPTER 92.

ORDER ALLOWING £75 TO REV. EDWARD WIGGLESWORTH.

*Ordered* that the sum of Seventy five pounds be granted & allowed to be paid out of the Publick Treasury to the Rev<sup>d</sup> Edward Wigglesworth, Hollisian professor of Divinity at Harvard Colledge, in Cambridge as a Gratuity, in consideration of his faithful Discharge of that great & important Trust Reposed in him & for his further Encouragem<sup>t</sup> therein. [Passed November 10.]

Legislative Records of the Council, xviii., 400. Mass. Archives, Iviii., 338.  
House Journal, p. 85.

## CHAPTER 93.

ORDER ALLOWING £200 ADDITIONAL TO YE COMMY GEN<sup>L</sup>.

*Ordered* that the Sum of Two hundred Pounds be granted & allowed to be paid out of the publick Treasury to John Wheelwright Esqr Commissary General in Consideration of his Care & Trouble in transacting the extraordinary Affairs of the Province this Time of War. [Passed November 10.]

Legislative Records of the Council, xviii., 400.  
House Journal, p. 85.

## CHAPTER 94.

## ORDER ALLOWING £20 TO YE CHAPLAINS OF THE COURTS.

Legislative  
Records of the  
Council, xviii.,  
400.

House Jour-  
nal, p. 85.

*Ordered* that the Sum of Twenty Pounds be granted & allowed to be paid out of the publick Treasury, vizt One half to the revd Chaplain of the Hon<sup>ble</sup> Board this present Year, the other half to the rev<sup>d</sup> Ellis Gray the Chaplain of the House for their respective Services the present Year. [Passed November 10.]

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## CHAPTER 95.

## ORDER ALLOWING £40 TO YE DOOR KEEPER.

Legislative  
Records of the  
Council, xviii.,  
400.

House Jour-  
nal, p. 85.

*Ordered* that the Sum of Forty Pounds be granted & allowed to be paid out of the publick Treasury to M<sup>r</sup> Abraham Belknap Door Keeper to his Excellency the Governour & this Court in full for his Service one half Year ending ending<sup>1</sup> the twenty first of October last. [Passed November 10.]

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## CHAPTER 96.

## ORDER ALLOWING DIVERS AMOUNTS OF MONEY TO THOS TAYLOR AND ASSOCIATES AND 26/ 3 TO JOHN HENRY ALSO 24/ TO DANIEL HOW.

Legislative  
Records of the  
Council, xviii.,  
401. Mass.  
Archives,  
lxixii., 232.

Mass.  
Archives,  
lxixii., 231.  
House Jour-  
nal, pp. 74, 77,  
83.

A PETITION of Thomas Taylor of Ashuelot, shewing that the Petitioner & sixteen others were in July last engaged in a very sharp Fight with Indians, wherein sundry of the Enemy were slain, & of the English all killed & taken, except the Petitioner & three more, praying for an Allowance from this Court, particularly for two of the Enemy known to be killed.

Read and

*Ordered* that the Sum of One hundred pounds be paid out of the publick Treasury to the Petitioner to be equally distributed between him and the Survivors, and Rep<sup>tives</sup> of those that were with him in the Fight herein mentioned

*Voted* also that the further Sum of fifty shill[in]gs be allowed to the Pet<sup>r</sup> in consideration of his Bravery in that Action. Also that He be allowed Seven pounds in consideration of his Expences in Travelling to Boston and attendance upon the Court. Also

*Voted* that Twenty Six Shill<sup>gs</sup> and three pence be allowed out of the Treasury to John Henry for his Expences.

And the Sum of twenty four shillings to Daniel How for his Expences in this Affair. [Passed November 10.]

<sup>1</sup> Sie.

## CHAPTER 97.

## ORDER GRANTING TO JOHN PORTER LICENCE TO KEEP A TAVERN.

A PETITION of John Porter<sup>1</sup> of Salem, Shewing that for three Years past he has been Licenced as an Innholder in the said Town, but by Mistake was omitted for this present Year; And therefore praying that the Justices in the County of Essex, may be impowered to licence him

Read and

*Ordered* that the Justices of the Gen<sup>l</sup> Sessions of the Peace for the County of Essex be allowed and impowered at their next Session (if they See cause) to grant the Pet<sup>r</sup> a Licence; the time for granting Licences being elapsed notwithstanding. And that the Pet<sup>r</sup> be allowed in the mean time to keep a house of publick Entertainment as usual. [Passed November 10.]

Legislative Records of the Council, xviii., 402. Mass. Archives, exi., 156.

Mass. Archives, cxii., 155, 157. House Journal, p. 87.

## CHAPTER 98.

ORDER ALLOWING £3. 9. 8 TO JN<sup>o</sup> SHED.

AN ACCOMPT presented by John Shed of the Charge of Subsisting Soldiers in the publick Service, Amounting to the Sum of £11. 1 O. Tenor.

[Read and]

*Ordered* that the Treasurer be directed to pay into the hands of William Lawrence Esqr Three Pounds nine Shillings & eight pence, for the Use of the abovementioned John Shed in full Consideration of the above Acco<sup>t</sup>. [Passed November 11.]

Legislative Records of the Council, xviii., 402.

House Journal, p. 86.

## CHAPTER 99.

## ORDER IMPOWERING JOSEPH WOODS, ADMINISTRATOR, TO SELL REAL ESTATE.

A PETITION of Joseph Woods of Lunenburg, Administrator to the Estate of Ephraim Witherby of said Town, deceased, praying Liberty to sell Lands belonging to the Estate, to pay the just Debts.

Read and

*Order'd y<sup>t</sup>* the Petitioner be allowed (in his Capacity) and enabled to make sale of so much of the real Estate of the within mentioned Deceas<sup>d</sup> as may be Sufficient to pay his Just Debts; and Charges of the Sale; He to Acco<sup>t</sup> with the Judge of Probates for the County of Worcester for His Proceedings therein. [Passed November 11.]

House Journal, p. 82. Mass. Archives, xviii., 382.

Mass. Archives, xviii., 381. House Journal, p. 86.

<sup>1</sup> The House Journal, p. 87, reads, "John Proctor."

## CHAPTER 100.

## ORDER ALLOWING £1. 3 TO WM TARBELL.

Legislative Records of the Council, xviii., 403. AN ACCOMPT presented by William Tarbell of the Charge of subsisting Soldiers in the publick Service, Amounting to the Sum of £13. 3. 2 Old Tenor.

House Journal, p. 87. [Read and]

*Ordered* that the Treasurer be directed to pay into the hands of William Lawrence Esq<sup>r</sup> the Sum of Four Pounds three Shillings for the Use of the abovenamed William Tarbell in full Consideration of the above Accompt. [Passed November 11.]

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## CHAPTER 101.

ORDER ALLOWING £2. 10. 10 TO MEHET<sup>A</sup> BARDWELL.

Legislative Records of the Council, xviii., 403. AN ACCOMPT presented by Mehetabel Bardwell of the Subsistenee of Jonathan Rolf a Canada Soldier, Amounting to the Sum of £10. 3. 7 O Tenor.

House Journal, p. 87. [Read and]

*Ordered* that the Treasurer be directed to pay to Israel Williams Esq<sup>r</sup> the Sum of Two pounds ten Shillings & ten pence for the Use of the above named Mehetabel Bardwell in full Consideration of the above Accompt. [Passed November 11.]

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## CHAPTER 102.

ORDER ACCEPTING THE REPORT OF YE COMTEE FOR FARMING THE EXCISE IN YE CO<sup>O</sup> OF WORCESTER.

Legislative Records of the Council, xviii., 403. Mass. Archives, exix., 420. JOHN CHANDLER Esq<sup>r</sup> from the Committee for farming out the Excise on Wines, Liquors &c. reported that they had let out the said Excise to John Chandler Jun<sup>r</sup> for three Years at the rate of One hundred & fifty Seven Pounds p Annum, & have taken Bonds with Sureties, which they have Lodged with the Province Treasurer.<sup>1</sup>

House Journal, p. 61. Aute, p. 161, chap. 53. Read and accepted. [Passed November 11.]

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## CHAPTER 103.

## ORDER ALLOWING £7. 10. 10 TO ZACHARIAH LAWRENCE.

Legislative Records of the Council, xviii., 403. AN ACCOMPT presented by Zechariah Lawrence of the Charging of Subsisting divers Soldiers in the publick Service; Amounting to the Sum of £25. 4 O. Ten<sup>r</sup>

House Journal, p. 86. [Read and]

*Ordered* that the Sum of Seven Pounds ten shillings & ten pence

<sup>1</sup> The final action on this chapter is not found in the House Journal.

be allowed & paid out of the publick Treasury into the hands of William Lawrence Esq<sup>r</sup> for the Use of the within named Zeehary Lawrence in full Consideration of the within Accompt. [Passed November 11.

## CHAPTER 104.

### ORDER IMPOWERING THE ISSUE OF AN ALIAS EXECUTION TO RICH<sup>D</sup> GOOKIN.

A PETITION of Richard Gookin of Dedham, complaining ag<sup>st</sup> Benjamin Pollard Esq<sup>r</sup> Sheriff of the County of Suffolk for refusing to put him in Possession of a Peice of Land in the Town of Boston, for which he obtained a Judgment of the Superiour Court, And for as much as the said Pollard had formerly taken Possession of the Same Land as Attorney to Theodore Atkinson Esq<sup>r</sup> Therefore praying that One of the Coroners of the County of Suffolk may serve his Execution on the Judgment he has obtained, or that he may be relieved in the Premisses by this Court.

Legislative Records of the Council, xviii., 393, 404.

Legislative Records of the Council, xviii., 487. Mass. Archives, xl., 714. House Journal, pp. 75, 90.

Read with the Answer of Benjamin Pollard Esq<sup>r</sup> And the Matter being fully considered;

Ordered that the Clerk of the Superiour Court be directed & impowered to give out of his Office an alias Execution on the last Judgment of the s<sup>d</sup> Court refer'd to, to be directed to Eithers<sup>1</sup> of the Coroners of the County of Suffolk who is hereby impowered to serve & return the same according to the Rules of Law.<sup>2</sup> [Passed November 15.

## CHAPTER 105.

### ORDER IMPOWERING JENNET COWDEN, ADM<sup>X</sup> OF JAM<sup>S</sup> COWDEN TO EXECUTE A DEED OF RELEASE.

A PETITION of Jennet Cowden Administ<sup>x</sup> to the Estate of James Cowden late of Holden in the County of Worcester dec<sup>d</sup> Praying that she may be impowered by this Court to execute a Deed of Release to David Cowden Son of the said James of Sixty Acres and twenty Perch of Land in the Town of Worcester, which he purchased for his s<sup>d</sup> Son, & he has built a Dwelling House upon it, & the said James ordered his Will to be made for disposing of said Land to the said David; & his Will was accordingly drawn but he was prevented by sudden Death from executing

Legislative Records of the Council, xviii., 408. Mass. Archives, xviii., 378.

Mass. Archives, xviii., 377.

Read &

Ordered that the Prayer of the Petition be granted, And the Pet<sup>r</sup> Jennett Cowden, as Admin<sup>r</sup> to the Estate of Her within named Husband James Cowden dec<sup>d</sup>, is hereby allowed & impowered to make Sale of all the Right of the said Deceased's Heirs in the Estate within mentioned unto his Son David, and that she execute in due Form of Law a Deed thereof to him accordingly; Provided the said David pay unto his Brother Samuel ten Pounds in Bills of Credit of the last Emission.<sup>3</sup> [Passed November 15.

<sup>1</sup> Sic.

<sup>2</sup> A duplicate of this chapter will be found in Legislative Records of the Council, xviii., 487.

<sup>3</sup> Not found in the House Journal.

## CHAPTER 106.

## VOTE IMPOWERING THE COMMITTEE TO SELL SHARES OF DELINQUENT PROPRIETORS IN THE TOWNSHIP OF BEDFORD.

Legislative Records of the Council, xviii., 409. Mass. Archives, cxv., 362. ON THE PETITION of the Inhabitants of Bedford [*ante*, p. 148, chap. 16]

MASS. Archives, cxv., 361. House Journal, p. 95. Ante, p. 148, chap. 16. Read, & no Objection being made against the Prayer of the Petition, altho' publick Notice hath been given agreeable to the Direction of the above written Order,

*Voted* that the Prayer of the s<sup>d</sup> Pet<sup>n</sup> be granted, & that Samuel Welles & Jonas Clarke Esqr & Doct<sup>r</sup> Belcher Noyes, the aboves<sup>d</sup> Comm<sup>tee</sup>, he & they hereby are impowered to dispose of the above-mentioned Delinquent Proprietors Share or Proportion of settling Lands, to such Person or Persons as will perform the Conditions of settlement, required by the Gen<sup>t</sup> Court in the Grant of the Lands in s<sup>d</sup> Tract called Bedford; & s<sup>d</sup> Comm<sup>tee</sup> or any two of them are hereby impowered to execute good Deeds of every such delinquent Proprietors proportion of settling Land being about a fifth part of their whole Original Grant, which Deed shall be good & valid to all Intents & Purposes in the Law, to the respective Grantees, their heirs & assigns forever, they performing the Conditions of Settlement, And the s<sup>d</sup> Comm<sup>tee</sup> or any two of them, are hereby Also impowered by themselves or others appointed by them, to regulate & lay out such High Ways & private Ways, as are, or may be necessary. [Passed November 15.]

## CHAPTER 107.

## ORDER IMPOWERING MOSES PETERS, GUARDIAN, TO SELL REAL ESTATE.

Legislative Records of the Council, xviii., 409. Mass. Archives, xviii., 380. A PETITION of Moses Peters, Gardian of Ruth Bucknam only Child of Stephen Bucknam late of Sutton in the County of Worcester Dee<sup>d</sup> Praying that he may be impowered by this Court to sell a Dwelling House left by the said Stephen to his Daughter, she being a Minor, & the House going to Decay, so that the money will be of much more benefit to her.

Read, &

*Ordered* that the Prayer of the Petition be granted, And that the Pet<sup>r</sup> in the Capacity of Gnardian to the within named Ruth Bucknam be & hereby is allowed & impowered to make Sale of the Building within mentioned to such Person as shall give most for the same, and execute in due form of Law a Deed for the Conveyance thereof; Provided the Pet<sup>r</sup> give sufficient Caution to the Judge of Probate for the County of Worcester to account for the Produce of the Premises, & to dispose thereof pursuant to Law.<sup>1</sup> [Passed Norember 15.]

<sup>1</sup> Not found in the House Journal.

## CHAPTER 108.

ORDER IMPOWERING MARY BRIANT & ISAAC LITTLE, GUARDIANS, TO SELL MINORS SHARES IN AN ESTATE.

A PETITION of Mary Briant Gaurdian of Thomas Little a Minor Son of Thomas Little late of Chilmark in Dukes County Dec<sup>d</sup> & of Isaac Little as Gaurdian to Mary Little a Minor Daughter of the last named Thomas, praying for Liberty to sell two seventh parts of a House & four Acres of Land in Edgar Town belonging to said Minors the other parts being already sold.

Read &

*Ordered* that the Prayer of the Petition be granted, & that the Pet<sup>rs</sup> Mary Bryant & Isaac Little as Guardians to the Minors within named be & hereby are impowered to make Sale of the said Minors Shares in the Buildings & Land within mentioned, to such Person as shall give most for the same, and execute in due form of Law a Deed for the Conveyance thereof, Provided the Pet<sup>rs</sup> give sufficient Caution to the Judge of Probate for the County of Dukes County to account for the Produce of the Premises, & to dispose of the same pursuant to Law. [Passed November 15.]

Legislative Records of the Council, xviii., 409. Mass. Archives, xviii., 389.

Mass. Archives, xviii., 388. House Journal, p. 94.

## CHAPTER 109.

ORDER ALLOWING £2. 8. 9 TO JEREMIAH MAN, Ichabod Day AND EBENEZER SHUTTLEWORTH IN EQUAL PROPORTIONS.

A PETITION of Jeremiah Man, Ichabod Day & Ebenezer Shuttleworth Soldiers impress'd into his Majesty's Service, Praying that they may be allowed Wages & Billeting for one Fortnight omitted in the Roll.

Read and

*Ordered* that the Treasurer be directed to pay to M<sup>r</sup> John Goldsberry two pounds Eight shillings and Nine pence for the Use of the Pet<sup>rs</sup> in equal proportion in full consideration for the services above mentioned. [Passed\* November 15.]

Legislative Records of the Council, xii., 410. Mass. Archives, lxxiii., 229.

Executive Records of the Council, xviii., 73. House Journal, pp. 69, 94.

## CHAPTER 110.

VOTE CONTINUING THE PAY & SUBSISTENCE TO YE GARRISONS AT FORT DUMMER AND HINSDELLS FORT.

*Voted* That the pay & subsistence of the Garrison at Fort Dummer at the rates last establish'd be continued from the Expiration of said Establishment until the 20<sup>th</sup> Instant and that from the said 20<sup>th</sup> Instant until the first of March next pay & subsistence at the former rates be allow'd to fifteen men only (including Officers) to serve as a Garrison for said Fort & to five Men for the same term at M<sup>r</sup> Hinsdells Fort so call'd. [Passed November 15.]

Legislative Records of the Council, xviii., 410. Mass. Archives, lxxiii., 255.

Legislative Records of the Council, xviii., 98, 243, 254. House Journal, pp. 88, 89, 94. Province Laws, xiii., 602, chap. 291.

## CHAPTER 111.

## ORDER ALLOWING £41. 19 TO CPT. THOS CHENEY.

Legislative  
Records of the  
Council, xviii.,  
410.

AN ACCOMPT of billeting Soldiers in the Frontiers under the Command of Cap<sup>t</sup> Thomas Cheyney, Amounting to the Sum of £119. 6.

[Read and]

*Ordered* that the above Accompt be allowed & that the Sum of Forty one Pounds Nineteen shillings be paid to Major Josiah Willard in Discharge thereof.<sup>1</sup> [Passed November 15.]

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## CHAPTER 112.

## VOTE IN REGARD TO MEN POSTED AT YE ASHUELOTS.

Legislative  
Records of the  
Council, xviii.,  
411. Mass.  
Archives,  
lxxiii., 256.  
  
House Jour-  
nal, p. 90.  
*Ante*, p. 167,  
chap. 69.

*Voted* that His Excellency the Cap<sup>t</sup> Gen<sup>l</sup> be desired to give Order that ten of the Men for whom an Establishment is made, to be Posted at the Ashnelots, be of the Inhabitants there, in case such a number appear voluntarily to Enlist for that Service. [Passed November 16.]

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## CHAPTER 113.

ORDER ALLOWING £151. 1. 10 TO COL<sup>o</sup> WM WILLIAMS.

Legislative  
Records of the  
Council, xviii.,  
411. Mass.  
Archives,  
lxxiii., 219.  
  
Mass.  
Archives,  
lxxiii., 218.  
House Jour-  
nal, pp. 79, 94.

A PETITION of Col<sup>o</sup> William Williams, Shewing that by Order of Col<sup>o</sup> John Stoddard Dec<sup>d</sup> he has disbursed several Sums of Money for the Service of the Province Amounting in all to £151. 1. 10 as may appear by the Accompt herewith offered praying an Allowance for the Discharge thereof.

Read and

*Ordered* that the Sum of One hundred fifty One pounds One Shilling and ten pence be allowed and paid out of the Treasury to the Mem<sup>o</sup> in discharge of his Acc<sup>t</sup> of Disbursements And that in consideration of the Trouble the Mem<sup>o</sup> as Sub Commissary has been at in procuring Provisions and Stores for the [Forces]<sup>2</sup> under his care in the Year past One per Cent be allowed on the Amount of said Accounts when the Same shall be Examined and passed upon for payment. [Passed November 16.]

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## CHAPTER 114.

ORDER ALLOWING £19. 11 EACH TO ELEAZ<sup>R</sup> MELVIN & HUMPHRY HOBBS,  
AND VOTE FOR A FURTHER SUM OF £12 TO ELEAZER MELVIN.

Legislative  
Records of the  
Council, xviii.,  
412.

A PETITION of Eleazar Melvin & Humphry Hobbs, praying that they may be allowed the sums set forth in their Petition, which

<sup>1</sup> Not found in the House Journal.

<sup>2</sup> MS. mutilated. Inserted from Legislative Records of the Council, xviii., 411.

they have advanced whilst they were in actual Service, for Provision, Ammunition &c.

House Journal, pp. 78, 84, 89.

*Ordered* that the Petitioners be allowed out of the publick Treasury Nineteen Pounds eleven Shillings to each of them, in full Consideration for their Subsistence whilst in the Service within mentioned,

*Voted* also that the Sum of Twelve Pounds be allowed to the Petitioner Melvin in Consideration of his Expences for his Company whilst in said Service. [Passed November 16.]

## CHAPTER 115.

VOTE FOR YE COMTEE OF WAR CALLING TO AN ACCO<sup>T</sup> PERSONS WHO HAVE REC<sup>D</sup> STORES &c. IN THE CANADA EXPEDITION.

WHEREAS sundry Persons have received great Quantities of Stores & other things for carrying on the late intended Expedition against Canada or Crown Point, of which no Accompt has yet been rendred;

Legislative Records of the Council, xviii., 412.

*Voted* that the Committee of War, or any three of them (the Chairman being always one) be & hereby are impowered to call all such Persons to Accompt for such Stores &c. as they have received for the Purpose aforesaid; And such Receivers are hereby directed to account with the s<sup>d</sup> Committee on or before the second Wednesday of the next Sitting of this Court as they would avoid being proceeded against agreeable to Law, The Committee to report as soon as may be. [Passed November 17.]

Mass. Archives, Ixxiii., 261. House Journal, p. 103. Province Laws, xiii., 596, chap. 8.

## CHAPTER 116.

VOTE DISMISSING CHRISTOPHER KIBLY, ESQ, ONE OF THE AGENTS AT THE COURT OF GREAT BRITAIN.

Legislative Records of the Council, xviii., 412. Mass. Archives, xx., 470.

*Voted* that Christopher Kilby Esq one of the Agents for this Province at the Court of Great Britain be dismiss'd from said Agency. And his power to appear for and in behalf of the Province is hereby vacated and declar'd to determine and cease. [Passed November 17.]

Legislative Records of the Council, xvii. (3), 208. House Journal, p. 102. Province Laws, iii., 455, note.

## CHAPTER 117.

ORDER IN REGARD TO THE LETTERS TO BE SENT TO THE AGENTS.

Legislative Records of the Council, xviii., 411. Mass. Archives, xx., 468.

*Voted* that the Secretary be directed forthwith to cause the Letter order'd by this Court in their present Session to be sent to William Bollan & Christopher Kilby Esqr. then joint Agents for this Province, to be copy'd & sent by Express to Portsmouth in order to its being forwarded to Great Britain by the Mast Fleet, and that said Letter & such Copy's as may be necessary be now directed to William Bollan Esqr. and that the first Letter or Copy's directed jointly as aforesaid be stay'd from going forward. [Passed November 17.]

Legislative Records of the Council, xviii., 411. House Journal, p. 101. Province Laws, iii., 455, note.

Legislative  
Records of the  
Council, xviii.,  
413. Mass.  
Archives, xx.,  
463.

House Jour-  
nal, p. 102.  
Province  
Laws, iii., 455,  
note. *Ante*,  
p. 183, chap.  
116.

## CHAPTER 118.

ORDER DIRECTING THE SECRETARY TO SEND M<sup>R</sup> KILBY A COPY OF YE VOTE FOR HIS DISMISSION.

*Ordered* that the Secretary be directed to inclose to Christopher Kilby Esq<sup>r</sup> A Copy of the Vote of the Court dismissing him from the Agency of this Province. [Passed November 17.]

## CHAPTER 119.

ORDER ALLOWING £4 TO ALEX<sup>R</sup> TARRANT.

Legislative  
Records of the  
Council, xviii.,  
412. Mass.  
Archives,  
Ixxiii., 228.

Mass.  
Archives,  
Ixxiii., 227.  
House Jour-  
nal, pp. 68, 105.  
*Ante*, p. 130,  
chap. 329.

A PETITION of Alexander Tarrant a Soldier in the late Expedition against Cape Breton, praying for some further Consideration for his Wounds there received by which he is yet disabled from Labour.

Read and

*Ordered* that the Sum of four pounds be allowed out of the Treasury to M<sup>r</sup> James Jeffrey for the Use of the Pet<sup>r</sup> in consideration of his Sufferings within mentioned. [Passed November 18.]<sup>1</sup>

## CHAPTER 120.

ORDER ALLOWING THE ACCT OF THE TREASURER OF ESSEX C<sup>O</sup>.

Legislative  
Records of the  
Council, xviii.,  
414.  
House Jour-  
nal, pp. 11, 86.

AN ACCOMPT presented by Daniel Appleton Esq<sup>r</sup> Treasurer of the County of Essex for the Year 1747, having been laid before the Court of General Sessions of the Peace for the said County & by them allowed Read &

*Ordered* that the within Accomp be allowed, & that the Ballance thereof being Sixty six Pounds fifteen Shillings & eight pence three farthings, the s<sup>d</sup> Treasurer is further accountable to s<sup>d</sup> County for. [Passed November 18.]<sup>2</sup>

## CHAPTER 121.

ORDER ALLOWING THE ACCOT OF THE TREASURER OF THE C<sup>O</sup> OF DUKES C<sup>O</sup>.

Legislative  
Records of the  
Council, xviii.,  
414.  
House Jour-  
nal, p. 11.

AN ACCOMPT presented by Zacchens Mayhew Esq<sup>r</sup> Treasurer of Dukes County for the Year 1747, Having been laid before the Court of General Sessions of the Peace for the s<sup>d</sup> County & by them allowed. Read &

*Ordered* that the within Accomp<sup>2</sup> be allowed & that the Ballance thereof being Eleven shillings & four pence, the said County is accountable to said Treasurer for.<sup>3</sup> [Passed November 18.]

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is November 16.

<sup>2</sup> *Sic.*

<sup>3</sup> The final action on this account is not found in the House Journal.

## CHAPTER 122.

## ORDER ALLOWING £5 TO WM CHANDLER.

A PETITION of William Chandler of Westford Praying to be allowed by this Court for his Son Henry Chandlers Cloathing & Gun, which were <sup>were</sup><sup>1</sup> lost when his said Son (being then in the publick Service) was killed by the Indians.

Legislative Records of the Council, xviii., 414. Mass. Archives, lxxiii., 209.

Read and

Ordered that the Sum of four pounds be allowed the Pet<sup>r</sup> or his Order out of the publick Treasury in consideration of his Loss within mentioned. [Passed November 18.]

House Journal, pp. 95, 105.

## CHAPTER 123.

ORDER ALLOWING £25, AND A FURTHER AMOUNT OF £60 TO CPT. ELEAZ<sup>R</sup> MELVIN & OTHERS.

A PETITION of Capt<sup>t</sup> Eleazar Melvin & others, shewing that they were, in their late March, attacked by a much Superiour Body of the Enemy & divers of them killed, & the whole of them lost their Packs & Cloaths, and althô they killed divers of the Enemy (as the English lately come from Canada have informed them) yet they were not able to get their Scalps in their dangerous Situation, Praying that this Court would consider their Case, & make them such Allow-

ance as shall be judged proper

Legislative Records of the Council, xviii., 414.

Read &

Ordered that the Sum of Twenty five Pounds be allowed out of the Treasury to the Petitioner & his Men or their legal Represent<sup>ves</sup> in Consideration of the Losses mentioned to be divided in proportion to their Losses,

House Journal, pp. 96, 104, 105. *Ante*, p. 72, chap. 177; p. 182, chap. 114.

Ordered also that the Sum of Sixty Pounds be allowed to the Petitioner & his Men in Consideration of their Bravery in the Enterprize within mentioned. [Passed November 18.]

## CHAPTER 124.

## ORDER IMPOWERING CAPT PHINEHAS STEVENS TO MAKE UP HIS MUSTER ROLL.

A PETITION of Capt<sup>t</sup> Phinehas Stevens, Shewing that by his Excellency's Order he with about Fifty Men took Possession of the Fort at Number Four, after it was abandoned by the English & defended it against a great Body of French & Indians; And for as much as his men were Canada Soldiers & no Provision made for their Pay for the first five Weeks of y<sup>r</sup> Service, Therefore praying that this Court would now provide for it.

Legislative Records of the Council, xviii., 414. Mass. Archives, lxxiii., 210.

House Journal, p. 105.

Read and

Ordered that the Pet<sup>r</sup> be allowed to make up A Muster roll for himself and Company for five Weeks Commencing from the 11<sup>th</sup> of March 1745. [Passed November 18.]

<sup>1</sup> *Sic.*

## CHAPTER 125.

ORDER ERECTING THE INH<sup>T</sup>S OF WEST DEDHAM INTO A SEPARATE PRECINCT.

Legislative Records of the Council, xviii., 323. Mass. Archives, xii., 442.

Mass. Archives, xii., 438—443. Legislative Records of the Council, xviii., 415. House Journal, pp. 23, 60, 103.

A PETITION of Samuel Metcalf & others, Inhabitants of the West-erly part of Dedham, Shewing, that they apprehend that they are capable of supporting a Minister among them, And for as much as it is very inconvenient for them to Attend the publick Worship in other Places, Therefore praying that they may be erected into a separate Precinct by the Bounds particularly set forth in the Petition.

Read and

*Ordered* that the within written Report be accepted and that the Pet<sup>r</sup>s with their Lands and Estates, together with the Lands and Estates included within the Bounds Petition'd for; be Sett off a distinct and seperate Precinct and are invested with all the Powers and Priviledges which other Precincts by Law Enjoy. [Passed November 18.]

## CHAPTER 126.

## ORDER ALLOWING £2. 1. 7 TO JOSHUA BRAMHALL.

Legislative Records of the Council, xviii., 415. Mass. Archives, lxxiii., 220.

House Journal, pp. 69, 105.

A PETITION of Joshua Bramhall of Hingham lately a Soldier on the Frontiers, praying for an Allowance for about four Weeks Service for which he can't find his Name enter'd in any Mnster Roll, & for a Weeks Travel home after dismissed from y<sup>e</sup> Service.

Read and

*Ordered* that the Sum of Two pounds One shill<sup>g</sup> and seven pence be allowed out of the Treasury to the Pet<sup>r</sup> in full consideration for the Service mentioned. [Passed November 18.]

## CHAPTER 127.

ORDER ALLOWING £12. 10 TO EDW<sup>D</sup> MANCHESTER.

Legislative Records of the Council, xviii., 415. Mass. Archives, lxxiii., 193.

Mass. Archives, lxxiii., 192. House Journal, pp. 72, 105.

A PETITION of Edward Manchester, praying for an Allowance from this Court for wounds which he received in the Expedition against Cape Breton, by which he is rendred a Cripple for Life, & is very indigent.

Read and

*Ordered* that the Sum of twelve pounds ten Shillings be allowed out of the publick Treasury to Cap<sup>t</sup> Nathaniel Sole for the Use of the Pet<sup>r</sup> in Consideration of his Sufferings within mentioned. [Passed November 18.]

## CHAPTER 128.

ORDER DIRECTING THE COMMITTEE TO STRIKE OFF AND SIGN £10,000 BILLS OF CREDIT, AND ALLOWING JN<sup>o</sup> WHEELWRIGHT COMMISSARY GENERAL, PAYMENT OF HIS DISBURSEMENTS.

A MEMORIAL of John Wheelwright Esq<sup>r</sup> Commissary General, shewing the Difficulty he is at to procure any suitable Persons in the Western Frontiers for Sub Commissaries, Col<sup>o</sup> Josiah Willard & Col<sup>o</sup> William Williams who have acted under him in that Business refusing to continue any longer therein, they being obliged to borrow great Sums of Money for want of necessary Supplies out of the publick Treasury & from other Discouragements they have lain under; Therefore, as the Winter Season is Advancing, moving that such Sums of Money may be now supplied him & his Sub-Commissaries as may be sufficient to discharge the past Arrears, & to purchase Provisions sufficient 'till the Spring Season.

Legislative Records of the Council, xviii., 416. Mass. Archives, lxxiii., 258.

Mass. Archives, lxxiii., 257, 259, 260. House Journal, p. 106. Province Laws, xiii., 609, chap. 47; 643, chap. 148.

Read and

*Ordered* that the Committee last app<sup>ted</sup> for Signing Bills; be directed to Cause to be Struck off, from the highest plate; and Signed and delivered to the Treasurer a Sum not exceeding ten thousand pounds in the room of so many torn and defac'd Bills, as are Unfit to be Issued out of the Treasury in order to reimburse John Wheelwright Esq<sup>r</sup> Commissary Gen<sup>l</sup> the Several Sums, advanced by him and Josiah Willard & William Williams Esq<sup>r</sup> for the Service of the Province, and further to Enable him to make provision for the Several Forts and Garrisons on the Frontiers. [Passed November 18.

## CHAPTER 129.

ORDER IMPOWERING MARY PHIPS, ADMINIST<sup>x</sup>, TO SELL REAL ESTATE.

A PETITION of Mary Phips Administ<sup>x</sup> of the Estate of her late Husband Sam<sup>l</sup> Phips of Charlestown Dec<sup>d</sup> Praying for Liberty to sell a House & Land in Charlestown mortgaged by Solomon Phips to the said Samuel Phips & the Mortgage sued out by the Petitioner since this Decease, & the Time for Redemption expired, the said House being in a ruinous Condition & the Petitioner unable to lay out any Money for repairing it.

Legislative Records of the Council, xviii., 417. Mass. Archives, xviii., 376.

Mass. Archives, xviii., 374, 375. House Journal, p. 104. Province Laws, ii., 151, chap. 10.

Read &

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted, & the Pet<sup>r</sup> in her Capacity of Administ<sup>x</sup>, is hereby allowed & impowered to make sale of the House & Land within mentioned, & to make & execute, in due form of Law, a Deed, for the Conveyance thereof, to such Person as shall give most for the Same; & that the Pet<sup>r</sup> be allowed the Improvem<sup>t</sup> of One third part of the Produce of the premisses, during her Life, & the residue to be put into the hands of the Gaurdian of the deceased's Daughter & only Heir, a Minor, to be improved for her best Advantage; & the Principal & Interest remaining, to be paid the s<sup>d</sup> heir, at the time of her Marriage, or Arrival at Age, which shall first happen, provided the Pet<sup>r</sup> observe the Direction of the Province Law, made in the sixth Year of his late Majesty King George

<sup>1</sup> *Sic.*

the 1<sup>st</sup> relating to Exec<sup>r</sup>s & Admin<sup>r</sup>s Sale of real Estates, & give Secu-  
rity to the Judge for Probate of Wills &c. for the County of Middle-  
sex, that the Principal Sum allow'd her as afores<sup>d</sup> shall at her Death,  
be paid back to the right Heirs of the s<sup>d</sup> Deceased; As also that the  
said Gaurdian give Security to the s<sup>d</sup> Jndge for the faithful Discharge  
of the Trust afores<sup>d</sup>, & to Acompt with the said Minor, when married  
or arrived to full Age, or at such other Time as the Judge aforesaid  
shall appoint. [Passed November 18.]

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## CHAPTER 130.

### ORDER IMPOWERING JN<sup>O</sup> LARRABEE TO MAKE UP HIS VICTUALLING ACCOUNT.

Legislative Records of the Council, xviii., 380. Mass. Archives, lxxiii., 254.

House Journal, pp. 90, 106.  
*Ante*, p. 121,  
chap. 305.

A MEMORIAL of John Larrabee Victualler of the Garrison at Castle William setting forth the Dearness of Provisions, & praying for an Advance on the Allowance last made for victualling the said Garrison.

Read and

*Ordered* that the Memorialist be allowed to make up his last half Year's account of Victualling the Garrison at forty Shillings per Week in consideration of the dearness and Scarcity of Provisions for that time and that for the next Six Months the Account be made up at 38/ p Week Old ten. [Passed November 19.]

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## CHAPTER 131.

### ORDER DIRECTING THE DISCHARGE OF ROBT CLARKE FROM PRISON.

Legislative Records of the Council, xviii., 418. Mass. Archives, xlvi., 738.

Mass. Archives, xlvi., 736. House Journal, pp. 89,  
107. Province Laws, xiii., 717,  
chap. 368.

A PETITION of Robert Clark a Prisoner in his Majesty's Goal in Boston, setting forth the Great Miseries he hath endured in his long Imprisonment, aeknowledging his great Offences & the Injustice of this Government in their Proceedings against him, & earnestly supplicating the Mercy of this Court that they would discharge him from his Imprisonment.

Read and

*Ordered* that the Pet<sup>r</sup> be discharged from his Confinement He first paying reasonable Prison Charges

*Ordered* also that the King's Attorney be directed to Enter a Nolo Prosequi upon the Presentments above mentioned at the Sup<sup>r</sup> Courts of Plymouth and Middlesex. [Passed November 19.]

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## CHAPTER 132.

### ORDER IMPOWERING SARAH PRINTER AND ABIGAIL ABRAHAM, INDIANS, TO SELL LOTS.

Legislative Records of the Council, xviii.,

A PETITION of Sarah Printer & Abigail Abraham formerly Abigail Printer, Indian Widows of Grafton, shewing that they together with

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is October 29.

Martha Printer, a Minor, are seized of a valuable Estate in Lands in said Place, which all lies together, except two thirty Acre Lots which are at a distance & will be much more for their Advantage if they were sold and the Money improved for them, Therefore praying that the said two Lots may be sold accordingly.

Read, and John Chandler Esq<sup>r</sup>, one of the Trustees for the Hassanamisco Indians, having certified his Knowledge of the Facts Set forth in the Petition and that the granting the Prayer Thereof will be of Service to the Petitioners

*Ordered* that the Prayer of the Petition be granted And that the Petitioners be and they hereby are allow'd and impowered (with the Advice and assistance of the said Chandler and the other Trustees of the Said Hassanamisco Indians) to Sell the two thirty Acre Lots within mentioned to such Person or Persons as Shall give most for the Same, and to execute in due form of Law a Deed or Deeds for the Conveyance thereof: And that the Said Trustees receive the Produce of the Premises and apply the Same so as they judge may be most for the advantage and Comfort of the Petitioners and the within named Martha, the Minor; and that the Trustees be accountable to this Court.<sup>1</sup> [Passed November 19.]

## CHAPTER 133.

### ORDER ALLOWING £51. 13 TO COL<sup>O</sup> JAM<sup>S</sup> OTIS.

AN ACCOMPT presented by Col<sup>o</sup> James Otis of Sundry Services by him performed for the Publick with Charges, Amounting to the Sum of £51. 13.

[Read and]

*Ordered* that this Accompt be allowed, & that the Accomptant be allowed out of the publick Treasury Fifty one Pounds thirteen Shillings to be by him repaid to whom it is due. [Passed November 21.]

Legislative Records of the Council, xviii., 420.

House Journal, pp. 107, 110.

## CHAPTER 134.

### ORDER ALLOWING £30 TO CAPT HUMPHRY HOBBS.

A PETITION of Cap<sup>t</sup> Humphry Hobbs, Praying that he may be allowed the Bounty Money which he had engaged to pay to five men he had enlisted for the publick Service at the Fort at Number Four, in the room of five men of his Soldiers captivated & killed by the Enemy & that he may be allowed for the Money necessarily expended for the Subsistence of his Company beyond the common stated Allowance

Read and

*Ordered* that the Sum of thirty pounds be allowed out of the Treasury to the Pet<sup>r</sup> in consideration of the services herein mentioned. [Passed November 21.]

Legislative Records of the Council, xviii., 420. Mass. Archives, Ixxiii., 251.

Mass. Archives, Ixxiii., 250. House Journal, pp. 84, 108. Ante, p. 182, chap. 114.

<sup>1</sup> Not found in the House Journal.

## CHAPTER 135.

ORDER ALLOWING £48. 7. 3½ TO THOS FOSTER, ESQ<sup>R</sup>.

Legislative Records of the Council, xviii., 420.

House Journal, p. 108.

AN ACCOMPT presented by Thomas Foster Esqr one of the Trustees of the Pigwacket Indians of the Charges expended for their Maintenance Am<sup>o</sup> to y<sup>e</sup> Sum of £48. 7. 3½.

*Ordered* that the Accomptants be allowed out of the Treasury Forty Eight Pounds seven Shillings & three pence ¾ in full Discharge thereof. [Passed November 21.]

## CHAPTER 136.

## ORDER SETTING OFF THE ESTATES OF SAMUEL DRESSER AND OTHERS FROM THE FIRST PARISH OF IPSWICH TO THE FIRST PARISH IN ROWLEY.

Legislative Records of the Council, xviii., 418. Mass. Archives, xii., 529.

Mass. Archives, xii., 530–534. Legislative Records of the Council, xviii., 447. House Journal, pp. 25, 29, 111. Province Laws, xiii., 635, chap. 301.

SAM<sup>LL</sup> WATTS Esq<sup>R</sup> from the Committee on the Petition of Samuel Dresser & others [Province Laws, xiii., 695, chap. 301] gave in their Report thereon.

[Report] Read and Accepted and

*Ordered* That the Said Samuell Dresser and the Six other Persons, mentioned in the Report, together with their Estates, as also the Estates of Francis and Jonathan Pickard, lying on the North Side of Egypt River, (which do not now belong to the West Parish in Ipswich) be and hereby are, to all Intents and Purposes Set off from the first Parish in Ipswich and annex'd to the first Parish in Rowley. [Passed November 22.]<sup>1</sup>

## CHAPTER 137.

VOTE IMPOWERING M<sup>R</sup> AGENT BOLLAN TO GIVE DISCH<sup>A</sup> TO Y<sup>E</sup> LORDS OF Y<sup>E</sup> TREASURY.

Legislative Records of the Council, xviii., 421. Mass. Archives, xv., 476.

House Journal, p. 112. Province Laws, iii., 456, note.

*Voted* that William Bollan Esq Agent for this Province at the Court of Great Britain be & the said William Bollan Esqr is hereby authorized and impower'd to give a full & ample discharge to the Right Honourable the Lords Commissioners of his Majestys Treasury for the Sum granted by parliament in order to reimburse the Expence the Province have been at in taking & securing Cape Breton upon such Sums being deposited in the Bank of England for the Use and Order of the province. [Passed November 22.]

## CHAPTER 138.

ORDER ALLOWING £1,500 TO Y<sup>E</sup> COM<sup>TEE</sup> FOR REPAIRING THE COURT HOUSE.

House Journal, p. 112. Ante, p. 110, chap. 276; p. 153, chap. 28.

*Ordered* that the Sum of fifteen Hundred pounds be paid out of the Treasury into the hands of the Comm<sup>ee</sup> app<sup>ted</sup> to take care of the repairs of the Town House &c They to be accountable. [Passed November 22.]

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is November 19.

## CHAPTER 139.

ORDER ALLOWING £1,291. 17. 3 TO YE COMTEE FOR REPAIRING CASTLE WM.

Legislative Records of the Council, xviii., 421.

*Ordered* that the Sum of Twelve hundred and Ninety one Pounds seventeen Shillings & three pence be paid out of the publick Treasury to the Committee appointed to take Care of the Repairs of Castle William &c. To be by them repaid to whom due. [Passed November 22.

House Journal, p. 112. Province Laws, xiii., 169, chap. 230; 121, chap. 261.

## CHAPTER 140.

ORDER ALLOWING THE USUAL WAGES TO YE CAPT & MEN OF THE MASS<sup>A</sup> FRIGATE.Legislative Records of the Council, xviii., 421. Mass. Archives, ix., 313.

*Ordered* that Usual Wages be allowed to the Captain and two Men only on board the Mass<sup>a</sup>s Frigate till the first day of March next. [Passed November 22.

House Journal, p. 111. Ante, p. 160, chap. 48.

## CHAPTER 141.

ORDER IMPOWERING COMMISS<sup>RS</sup> TO TREAT W<sup>TH</sup> OTHER COMMISSION<sup>RS</sup> ON THE DIVISION OF THE PARLIAMENTARY AWARD.

*Ordered* that the Commissioners app<sup>ted</sup> by the General Court in Febr<sup>y</sup>. 1747 to treat with the Commissioners of the Neighbouring Goverments upon the most beneficial Method for applying the money granted by Parliment, be impowered and directed to treat with such Commissioners as may be app<sup>ted</sup> by the other Governm<sup>ts</sup>, pursuant to the Vote of the Court in their present Session. [Passed November 22.

Legislative Records of the Council, xviii., 422. Mass. Archives, vi., 64. House Journal, p. 111. Ante, p. 96, chap. 245; p. 165, chap. 63.

## CHAPTER 142.

ORDER GRANTING TO PETER CADE LICENCE TO KEEP A TAVERN.

A PETITION of Peter Cade of Cambridge, Shewing that he is lately removed into a House in said Town which is very commodiously situated & fitted for a Tavern or Inn & has been many Years improved as such; And therefore praying that the Court of General Sessions of the Peace, may be impowered to grant him a Licence to keep a Tavern in said House Read &

Legislative Records of the Council, xviii., 422. Mass. Archives, exi., 153. House Journal, p. 111.

*Ordered* that the Prayer of the Petition be granted, & that the Justices of the General Sessions of the Peace for the County of Middlesex, be & hereby are impowered, at their next Sitting, (if they see Cause) to grant the Petitioner a Licence for the Purpose within mentioned; The Time by Law limited for granting Licencies being elapsed Notwithstanding, he obtaining the Approbation of the Select Men of Cambridge. [Passed November 22.

## CHAPTER 143.

## ORDER DIRECTING THE COMMISSARY GENERAL TO SETTLE THE ACCOUNT OF EBENEZER PROUT.

Legislative  
Records of the  
Council, xviii,  
422.

Mass.  
Archives,  
lxixii., 215.  
House Jour-  
nal, pp. 81, 102.  
*Ante*, p. 134,  
chap. 342

A PETITION of Ebenezer Prout a Commissary in the late Expedition against Cape Breton, shewing that having obtained an Order of the General Court that the Commissary General should pay him for sundry Provisions he supplied the Soldiers with out of his own Stock, the Commissary Gen<sup>r</sup> declines paying any more than the Price of said Provisions at the time when they were supplied, praying that he may have a reasonable Allowance for these Stores & also that he may by order of this Court be enabled to satisfy the Soldiers he was concerned with for the Arrears of Provisions due to them & that he may be paid for the Cloathing supplied them out of his own Stores.

Read &

*Ordered* that the Commissary General be directed to allow the Petitioner (at the Rates allowed for each Specie to any Sub Commissary) for six thousand one hundred & twenty six pounds of Bread, & seven thousand three hundred & eighty two Jills of Rum.

*Ordered* also that the s<sup>d</sup> Commissary General be directed to make a reasonable Allowance in Money to the Soldiers (or their Order) belonging to the Regiment late under the Command of Col<sup>r</sup> Hale at Louisburg, to whom any Provision shall appear to be due from the Province, And in as much as the Petitioner supplied many of those Soldiers out of his own private Stock with Cloathing & other Necessaries when the publick Stores were exhausted,

*Ordered* that upon the Petitioner's making out an Acco<sup>t</sup> of those Debts on Oath, & lodging the Same in the Commissary General's Office, That the said Commissary be directed & impowered to stop the whole or so much of the said Allowance (for the Use of the Petitioner) as shall appear to be due to him from said Soldiers respectively. [Passed November 22.]

## CHAPTER 144.

## ORDER ALLOWING £50 TO DR EDWARD WIGGLESWORTH.

Legislative  
Records of the  
Council, xviii,  
422. Mass.  
Archives,  
lviii., 340.

House Jour-  
nal, pp. 103, 111.  
*Ante*, p. 175,  
chap. 32.

A PETITION of Dr Edward Wigglesworth, Professor of Divinity at Harvard College, Praying for some further Allowance from this Court for the Support of his Family, which has been visited with great Sickness.

Read and in answer

*Ordered* that the Sum of fifty pounds be allowed the Memorialist out of the publick Treasury over and above the Grant already Passd this Court. [Passed November 22.]

## CHAPTER 145.

## ORDER GRANTING TO PHIL. MASTERS LICENCE TO RETAIL STRONG DRINK.

A PETITION of Phillip Masters of Boston, praying that the Justices of the County of Suffolk in their next Court of General Sessions of the Peace, may be impowered to grant the Pet<sup>r</sup> a Licence to retail strong Drink in the House where he dwells in the said Town

Legislative Records of the Council, xviii., 426. Mass. Archives, cxix., 412.

Read and

*Ordered* that the Justices of the Gen<sup>l</sup> Sessions of the Peace for the County of Suffolk be allowed and impowered if they see cause to grant the Pet<sup>r</sup> a Licence at their next Sitting He first obtaining the approbation of the Select Men of Boston The time for granting Licences being elapsed notwithstanding. [Passed November 23.<sup>1</sup>

Mass. Archives, cxix., 411. House Journal, p. 111.

## CHAPTER 146.

VOTE ACCEPTING THE REPORT OF THE COMMITTEE ON THE PET<sup>N</sup> OF THE S<sup>"</sup> PART OF CAMBRIDGE AND ORDER REFERRING THE MATTER.

A PETITION of Benjamin Dana & others a Committee of the Inhabitants of the South part of the Town of Cambridge, Setting forth the great Inconveniencie they are under for attending the publick Worship in the Body of the Town, Therefore praying to be set off a separate Precinct.

Legislative Records of the Council, xviii., 307, 421. Mass. Archives, cxv., 437.

The Comtee of the pet<sup>n</sup> of Benj<sup>a</sup> Dana, and others Inhabitants on the south side of Charles River in the Town of Cambridge have attended that service and are Humbly of Opinion That the Inhabitants and the Estates Lying on the south side of s<sup>d</sup> River be made a Distinct & separate precinct Excepting the following persons and their Estates Viz<sup>t</sup> Dan<sup>ll</sup> Dana Thomas Dana Caleb Dana Benj<sup>a</sup> Cheeney John smith Thomas Dana Ju<sup>r</sup> Dan<sup>ll</sup> Dana Ju<sup>r</sup> Thomas Cooledge John smith John Cheeney and Benj<sup>a</sup> Crackbone Unless the afore Mentioned Eleven persons or either of them shall Declear their Willingness to joyn to the s<sup>d</sup> precinct by Lodging their Names in the secretaries Office with in two Years from this Time; Excepting also those Lands that belong to the Ministry and the Inhabitants of the first parish on the North side of s<sup>d</sup> River, The Comtee are also of opinion that the above propos<sup>d</sup> precinct be Excused from paying any parish Taxes to the first parish in s<sup>d</sup> Town theat<sup>2</sup> are made after the Year 1747 And in as much as by Erecting the New parish propos<sup>d</sup> the first precinct in S<sup>d</sup> Town will be Considerably straitned the Comtee beg Leave further to Report that there are a Number of families Adjacent thereto that do not belong to S<sup>d</sup> parish yet Constantly attend the publick Worship of God there (as We are informed) that are Commodiously scituated to be Annexed thereto Without Notable (if any) Inconveniencie to the Towns to which they belong

Legislative Records of the Council, xviii., 307, 336, 363. House Journal, p. 231 (March, 1747); pp. 265, 276, 282 (April, 1748); pp. 32, 48, 113.

Which is Humbly submitted

Nov<sup>r</sup> 19<sup>th</sup> 1748

p SAM<sup>LL</sup> WATTS p Order

<sup>1</sup> There is some confusion in regard to the date of passage in this case.  
<sup>2</sup> Sic.

In Council Read & Accepted &

*Ordered* that all the Inhabitants & the Estates lying on the South Side of Charles River in Cambridge, be & hereby are set off from the first Parish, & to all Intents & Purposes, & erected into a distinct & separate Precinct, to do Duty & receive Priviledge, as other Precinets within this Province, do, or by Law, ought to enjoy, excepting the Persons hereafter named, & their Estates viz. Daniel Dana, Thomas Dana, Caleb Dana, Benjamin Cheney, John Smith Thomas Dana Jun<sup>r</sup>, Daniel Dana Jun<sup>r</sup> Thomas Coolidge, John Smith, John Cheney & Benjamin Crackbone, unless the said Eleven Persons, or any of them, shall manifest their Desire, to Join to said Precinct, by giving their Names into the Secretary's Office, within two Years from this Time, excepting also such Lands as belong to the Ministry, & to the Inhabitants of the first Precinct in Cambridge aforesaid; And it is also

*Ordered* that the above proposed Precinct be exempted from paying any Taxes to the s<sup>d</sup> first Precinct, that have been made since the Year 1747.

In the House of Rep<sup>nes</sup> Read and

*Ordered* that the Consideration of the above Vote be refer'd till the next Sitting of this Court and that the Pet<sup>rs</sup> be Exempted from all Parish Taxes to the first Precinct in the mean time.

In Council Read and Concurred. [Passed November 23.<sup>1</sup>

## CHAPTER 147.

### ORDER WITH STAY OF PROCEEDINGS REFERRING THE MEM<sup>O</sup> OF THE PRESID<sup>T</sup> & FELLOWS OF HARVARD COLLEGE IN REGARD TO TAXES.

Legislative Records of the Council, xviii., 413. Mass. Archives, lviii., 355.

Mass. Archives, lviii., 354. Legislative Records of the Council, xviii., 487. House Journal, p. 114.

A MEMORIAL of the President & Fellows of Harvard College in Cambridge complaining that the Assessors of the Town of Boston have taxed Edward Hutchinson Esq<sup>r</sup> Treasurer of the said College for the College Monies by him let out; which the Memorialists apprehend to be a manifest Violation of their Charter Priviledges, And therefore praying that this Court would give Order for redressing the said Grievance

Read and

*Ordered* that the Consideration of this Memorial be refer'd till the next Setting of this Court, and all Proceedings with respect to the Taxes within mentioned are Stayed in the mean time. [Passed November 23.<sup>2</sup>

## CHAPTER 148.

### ORDER GRANTING TO SENDALL WILLIAMS LICENCE TO RETAIL LIQUOR.

Legislative Records of the Council, xviii., 398. Mass. Archives, cxix., 409.

A PETITION of Sendall Williams, Shewing that he has been for many Years licenceed as a Retailer of strong Drink in the Town of Boston, & being now removed to a House in Purchase Street near Fort Hill, Therefore praying that the Court of General Sessions of

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is November 22.

<sup>2</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is November 17.

the Peace for the County of Suffolk may be impowered at their next Term, to grant him a Licence to retail in said House.

Mass.  
Archives,  
cxix., 40<sup>o</sup>.  
House Jour-  
nal, p. 111.

Read and

*Ordered* that the Justices of the Gen<sup>l</sup> Sessions of the Peace for the County of Suffolk be impowered if they See cause to grant the Pet<sup>r</sup> a Licence (He obtaining the approbation of the select men of Boston) the time therefor being elapsed notwithstanding. [Passed November 23.<sup>1</sup>

## CHAPTER 149.

### ORDER REFERRING THE CONSIDERATION OF YE AFFAIR OF YE REIMBURSEM<sup>T</sup> FOR CHARGE OF THE LOUISBURG EXPEDITION.

*Voted* that the Consideration of what is further necessary to be done for redeeming or exchanging the Bills of Credit & bringing to a period the paper Currency of the province & for applying to those purposes in the best manner the Grant made by the parliament for reimbursing the Expence of taking & securing Cape Breton be referr'd to the next Sitting of the Court and the Members of both Houses are requir'd to give their Attendance on the first day of the Courts meeting. [Passed November 23.

Legislative  
Records of the  
Council, xviii.,  
424. Mass.  
Archives, cii.,  
397.

House Jour-  
nal, p. 113.  
*Ante*, p. 191,  
chap. 141.

## CHAPTER 150.

### ORDER GRANTING TO JOHN LOWDER LICENCE TO RETAIL STRONG LIQUORS.

THE PETITION of *John Lowder*, praying the Justices of the General Sessions for *Suffolk* may be allowed to grant him a Licence.

Read &

House Jour-  
nal, p. 113.  
Mass.  
Archives,  
cxix., 406.

Mass.  
Archives,  
cxix., 405-407.

*Order'd* that the Prayer of this Petition be so far granted as that the Court of General Sessions of the Peace next to be holden in & for the County of Suffolk be and they are hereby impower'd to grant Licence to the Petitioner (if they see cause) to Retail strong Liquors (he first obtaining & producing the approbation of the Select men of s<sup>d</sup> Town of Boston therefor as the Law directs) the Time for granting Licences being elapsed notwithstanding. [Passed November 23.

## CHAPTER 151.

### ORDER ALLOWING £10 TO SAM<sup>L</sup> PAYNE.

A PETITION of Samuel Payne, praying for some Allowance from this Court in Consideration of his Sufferings while in the Service of this Province by being captivated & grievously wounded by the Indian Enemy.

Legislative  
Records of the  
Council, xviii.,  
425. Mass.  
Archives,  
lxix., 248.

Mass.  
Archives,

Read and

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is November 8.

lxxiii., 247.  
House Jour-  
nal, p. 113.

*Ordered* that ten pounds be allowed out of the Treasury to be put into the hands of And<sup>w</sup> Oliver Esq<sup>r</sup> for the Benefit of the Pet<sup>r</sup>.  
[Passed November 23.]

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## CHAPTER 152.

### ORDER FOR STAY OF EXECUTION ON THE PET<sup>N</sup> OF DR<sup>R</sup> WM RAND.

Legislative  
Records of the  
Council, xviii.,  
425. Mass.  
Archives, cv.,  
308.

Mass.  
Archives,  
lxxiii., 132, 134;  
cii., 327; cv.,  
307. Legisla-  
tive Records of  
the Council,  
xvii., Mis., 544;  
*ibid.*, xvii. (4),  
297. House  
Journal, p. 265  
(April, 1748);  
p. 114.

A PETITION of Dr<sup>r</sup> William Rand shewing that he is liable to be served with an Execution in the hands of the Sheriff of the County of Suffolk for £1,000, due from the Petition<sup>r</sup> to the Province, but for as much as the Province is considerably more in his Debt & his Demand now lies before this Court, Therefore praying that the said Execution may be stayed till the other Affair be determined, & that the Court would consider his other Petition on this Matter.

Read, and

*Order'd* that the Prayer of this Petition be granted, and y<sup>t</sup> the Committee on the Petition within referr'd to make Report at the next Sitting of this Court and that the Execution within mention'd be stayed in the mean time. [Passed November 23.]

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## CHAPTER 153.

### ORDER ALLOWING £12 TO ABRAHM BELKNAP.

Legislative  
Records of the  
Council, xviii.,  
425. Mass.  
Archives, cv.,  
312.

Mass.  
Archives, cv.,  
311. House  
Journal, p. 113.  
*Ante*, p. 53,  
chap. 132;  
p. 95, chap.  
242.

A PETITION of Abraham Belknap Door Keeper to this Court, shewing that althô the Court made Provision for his Support, from the Time of the Death of Mr Hubbard the late Door Keeper, yet they have made no Grant to him for two Months Service during Mr Hubbard's Sickness, Praying that they would make him a Grant for that Service.

Read and

*Ordered* that the Sum of twelve pounds be allowed out of the Treasury to the Pet<sup>r</sup> in consideration of the service within mentioned. [Passed November 23.]

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## CHAPTER 154.

### ORDER REFERRING THE REPORT OF THE COMMITTEE ON THE PETITION OF JAMES MINOT, ESQ<sup>R</sup>, & OTHERS IN REGARD TO A MINISTERIAL TAX.

Legislative  
Records of the  
Council, xviii.,  
290. Mass.  
Archives, xii.,  
528.

Legislative  
Records of the  
Council, xviii.,  
338, 339, 426.  
House Jour-  
nal, pp. 21, 74,  
113.

A PETITION of James Minot Esq<sup>r</sup> & Jonathan Buttrick a Committee for the West Congregation in Concord shewing the great Difficulties they are under by reason of the Contentions (between the two Societies in said Town) respecting the Support of the Ministry, & praying that this Court would Order that the Ministers of both Societies may be supported by a joint Tax.

The Comitte to whome was referr'd y<sup>e</sup> Pet<sup>n</sup> of James Minot Esq & Others Having Fully heard y<sup>e</sup> Parties & Considered their Case, are of y<sup>e</sup> Opinion That this Petition be refered to y<sup>e</sup> Session of this Court in May next for further Consideration And That In the

mean time the Petiti<sup>r</sup>s (by y<sup>e</sup> Advice of y<sup>e</sup> Reverend Ministers who were Chosen by both parties, in May last to Advise them Under their Difficultys) procure Some Suitable person to preach y<sup>e</sup> Gos-pell Among them, and y<sup>t</sup> The Charge Thereof as also y<sup>e</sup> Salery of M<sup>r</sup> Bliss be born for That time by y<sup>e</sup> Pet<sup>r</sup>s and Non pet<sup>r</sup>s And That It be further Earnestly recomended to the parties by y<sup>t</sup> time to Come into Some agreement among themselves

all which is Humbly Submitted

By JOHN CUSHING p order

Read &

*Ordered* that this Report be refer'd for further consideration to the next Sitting of this Court; And that it be recommended in the mean time to the Parties concerned to agree upon the Matters in difference among them selves. [Passed November 23.]

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## CHAPTER 155.

### ORDER GRANTING LICENCE TO JOS. GREENLEAF & JONATHAN PRES-COTT TO SELL LIQUOR.

A PETITION of Joseph Greenleaf & Jonathan Prescott of Boston Distillers, praying that the Court of General Sessions of the Peace for the County of Suffolk, may be impowered to grant them a Licence to retail at their Still House, as other Distillers are allowed to do.

Legislative  
Records of the  
Council, xviii.,  
487.

Read &

*Ordered* that the Justices of the General Sessions of the Peace for the County of Suffolk be allowed, if they see Cause, to grant the Petitioners a Licence, they first obtaining the Approbation of the Selectmen of the Town of Boston; The time for granting Licencies being elapsed Notwithstanding.<sup>1</sup> [Passed November 23.<sup>2</sup>]

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## CHAPTER 156.

### ORDER ALLOWING £6 TO PATRICK BURN.

A PETITION of Patrick Burn a Soldier in the late Expedition against Cape Breton, praying for some Allowance for Wounds he then received, whereby he is still disabled to support himself & Family.

Legislative  
Records of the  
Council, xviii.,  
428. Mass.  
Archives,  
lxixii., 214.

Read and

*Ordered* that the Sum of Six pounds be paid by the Comm<sup>ee</sup> of War to the Select Men of Wenham or their Order for the Use of the Pet<sup>r</sup>. [Passed December 22.]

Mass.  
Archives,  
lxixii., 214.  
House Jour-nal, pp. 96, 116,  
117. *Ante*,  
p. 42, chap.  
100.

<sup>1</sup> Not found in the House Journal.

<sup>2</sup> Adjourned to December 21. See Legislative Records of the Council, xviii., 487.

## CHAPTER 157.

## ORDER GRANTING TO WALTER SMITH LICENCE TO KEEP A TAVERN.

Legislative  
Records of the  
Council, xviii.,  
428. Mass.  
Archives, cxii.,  
152.

*Ante*, p. 164,  
chap. 58.

ON THE PETITION of Walter Smith [*ante*, p. 164, chap. 58]

Whereas it appears to this Board that there is a Mistake in the Vote above written, the Petition<sup>r</sup> desiring to keep an Inn or Tavern & not to be a Retailer;

*Ordered* that the Justices above mentioned be impowered to grant him a Licence to keep an Inn or Tavern accordingly.<sup>1</sup> [Passed December 22.]

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## CHAPTER 158.

## ORDER DIRECTING THE PAYMENT OF THE WAGES OF JOHN FROST TO HIS FATHER.

Legislative  
Records of the  
Council, xviii.,  
428. Mass.  
Archives,  
lxxiii., 289.

*House Jour-*  
*nal*, p. 117.

*Ordered* that the Treasurer be directed to pay to the Order of Sam<sup>l</sup> Frost the Wages due to his Son John Frost, Who was kill'd in the Service of the Countrey. The s<sup>d</sup> Samuel to be accountable to any Adm<sup>r</sup> who may be appointed upon the Estate of the Deceas'd. [Passed December 23.]

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## CHAPTER 159.

## ORDER DIRECTING PAYMENT OF INHABITANTS OF NARRAGANSETT N° 2 &amp; LEOMINSTER FOR THEIR SERVICE AS SCOUTS.

Legislative  
Records of the  
Council, xviii.,  
429. Mass.  
Archives,  
lxxiii., 290.

*House Jour-*  
*nal*, p. 118.

WHEREAS the Inhabitants of Narr<sup>a</sup> N° 2 and Leominster have been employed alternately as Scouts.

*Ordered* that upon A Muster roll being laid before the Gov<sup>r</sup> and Council expressing the whole time of Service of said Scouts with the Amount of the whole Sum due and the same being approved, That the Treasurer be thereupon directed to pay to Edward Hartwell Esq<sup>r</sup> the Amount of said Roll to be repay'd to each of said Inhabitants in proportion to the Service they have done, although the name of every particular Inhabitant be not inserted in said Roll: any order or rule for making up Rolls in a different manner notwithstanding s<sup>d</sup> Hartwell to be accountable. [Passed December 23.<sup>2</sup>]

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## CHAPTER 160.

VOTE ALLOWING £50 TO LIEUT JN<sup>o</sup> LARRABEE.

Legislative  
Records of the  
Council, xviii.,  
429.

*House Jour-*  
*nal*, p. 118.

*Voted* that the Sum of Fifty Pounds be granted & allowed out of the publick Treasury to John Larrabee Lieutenant of his Majestys Castle William in Consideration of his extraordinary Expence the last Year. [Passed December 24.]

<sup>1</sup> Not found in the House Journal.

<sup>2</sup> There is some confusion in regard to the date of action in this case.

## CHAPTER 161.

ORDER ALLOWING A GUN TO EBEN<sup>R</sup> FOSTER.

A PETITION of Ebenezer Foster of Chelmsford; praying that he may be allowed for a Gun he furnished his Son (a Soldier in the publick Service) with, which was taken from him by the Indian Enemy.

Read and in Answer

*Ordered* that the Commissary Gen<sup>l</sup> be directed to deliver to Cap<sup>t</sup> Sam<sup>l</sup> Chamberlayne a Gun out of the Province Store for the Use of the Petitioner. [Passed December 24.]

Legislative Records of the Council, xviii., 429. Mass. Archives, lxxiii., 267.

House Journal, p. 119.

## CHAPTER 162.

ORDER IMPOWERING DOROTHY CUTTER, ADM<sup>X</sup>, TO EXECUTE DEEDS OF AN ESTATE.

ON THE PETITION of Jeremiah Powell Esq<sup>r</sup> & Nicholas Loring, [ante, p. 113, chap. 284]

Read together with the Answer of Dorothy Cutter Adm<sup>x</sup> of the Estate of the within-named Amiru<sup>h</sup> Cutter. And

*Ordered* That Upon the Pet<sup>rs</sup> procureing and Delivering to the Said Dorothy a good Deed of Release and Quit Claim to Lott N<sup>o</sup> 14 referred to in the Pet<sup>a</sup> for the use of the Heirs of the Said Amiruhahamah, the Said Dorothy be and hereby is Authorized And Impowered to give a Deed of Release of Lott N<sup>o</sup> 16 in the Same Division to the Petit<sup>r</sup> Loring for the Use of the Ministry; in the Town of North Yarmouth. [Passed December 26.]

Legislative Records of the Council, xvii., 430. Mass. Archives, cxv., 255, 257. House Journal, p. 121.

Ante, p. 113, chap. 24.

## CHAPTER 163.

ORDER ALLOWING £19 TO BENJ<sup>A</sup> TAINTER.

A PETITION of Benjamin Tainter Setting forth his Losses & Sufferings by means of his Captivity among the French & Indian Enemy, Praying for an Allowance from this Court, in Consideration of his being taken while he was a Soldier in the Service of the Province.

Read and

*Ordered* that the Sum of Nineteen pounds be allowed the Pet<sup>r</sup> out of the publick Treasury in full consideration for his Services and Sufferings herein mentioned. [Passed December 27.]

Legislative Records of the Council, xviii., 430. Mass. Archives, lxxiii., 200.

Mass. Archives, lxxiii., 199. House Journal, pp. 119, 122.

## CHAPTER 164.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE AND DISCHARGING THE PROVINCE TREASURER OF £8,299. 11. 4 TORN AND DEFACED BILLS OF CREDIT.

Legislative Records of the Council, xviii., 423. Mass. Archives, cii., 398.

House Journal, pp. 82, 83, 119. *Ante*, p. 57, chap. 145.

THE COMMITTEE appointed by the General Court to repair to the Treasurer's Office to take an Accompt of the torn & defaced Bills, now lying in his hands unfit for Service, & to consume them to Ashes, have accordingly attended that Service, & have received of the said Treasurer Three thousand nine hundred & seventy two Pounds ten Shillings Old Ten<sup>r</sup> Bills, Six hundred & sixty seven Pounds three Shillings & four Pence Middle Tenor Bills, & Three thousand six hundred & fifty nine Pounds eighteen Shillings & four pence last Emission Bills & have consumed them to Ashes

In the Name of the Committee.

J. OSBORNE.

Read and Accepted and

*Ordered* that the Treasurer be discharg'd of said Sums accordingly. [Passed December 28.<sup>1</sup>

## CHAPTER 165.

ORDER APPOINTING A COMMITTEE TO INQUIRE INTO AND REPORT THE SEIZURES MADE UNDER ANY ACT OF THIS PROVINCE.

Legislative Records of the Council, xviii., 431. Mass. Archives, lxiv., 325.

House Journal, p. 123. Province Laws, i., 119, chap. 5; 273, chap. 3; 392, chap. 15.

In Council

*Ordered* that Jacob Wendell & Andrew Oliver Esq<sup>rs</sup> with such as the hon<sup>ble</sup> House shall join be a Comm<sup>ee</sup> to make Inquiry and receive the Accompt of such Seizures as have been made in this Province in Consequence of any Act or Aets whereby a Part of said Seizures accrue to the Province, & make Report as soon as may be of the State of said Account, that so this Court may give Orders for the Payment of the Ballance due upon said Accounts.

In the House of Rep<sup>ves</sup>

Read and Coneur'd and Mr Speaker Col<sup>o</sup> Otis and Maj<sup>r</sup> Bradford are Joyned in the affair. [Passed December 28.

## CHAPTER 166.

ORDER APPOINTING A COM<sup>EE</sup> TO MAKE SALE OF YE PROVINCE SHIP.

Legislative Records of the Council, xviii., 431. Mass. Archives, lxiv., 327.

House Journal, pp. 121, 124.

In the House of Rep<sup>ves</sup>

*Ordered* that M<sup>r</sup> Hall M<sup>r</sup> Foster and M<sup>r</sup> Russel with such as the Hon<sup>ble</sup> Board shall Joyn be a Committee to make Sale of the Prov- ince Ship <sup>2</sup> and her appurtenances, and report thereon.

In Council

read & Coneurr'd & Jacob Wendal & Ezek<sup>l</sup> Chevers Esq<sup>rs</sup> are joined in the Affair. [Passed December 28.

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council and the House Journal the date is December 24.

<sup>2</sup> The endorsement on MS. says, "Ship Massa Frigate."

## CHAPTER 167.

ORDER ALLOWING £3 TO ITHAMAR COMBS AND £2. 10 TO WILLIAM REED.

A PETITION of Ithamar Combs & William Read of Rochester, praying to be reimbursed out of the publick Treasury for the Bills of Credit which both of them lost in the Fire which consumed the Dwelling House of the said Combs in April last.

Read and

*Ordered* that the Treasurer be directed to pay to Mr Elnathan Walker three pounds for the Use of the abovenamed Combs. And two pounds ten shillings for the Use of the abovenamed Reed in consideration of the Loss mentioned. [Passed December 29.

Legislative Records of the Council, xviii., 432. Mass. Archives, lxxxvii., 44.

House Journal, p. 125.

## CHAPTER 168.

ORDER ACCEPTING THE ADDITIONAL REPORT OF THE COMMITTEE APP'D ON MEDWAY, HOLLISTON, BELLINGHAM AND WRENTHAM AND ERRECTING PORTIONS THEREOF INTO A SEPARATE PRECINCT.

JAMES MINOT Esq<sup>r</sup> from the Committee of both Houses on the Petitions of divers Inhabitants of Medway, Bellingham, Wrentham &c. gave in a second or additional Report

Legislative Records of the Council, xviii., 436. Mass. Archives, cxv., 284, 285.

The Com<sup>tte</sup> appointed to View the Situation and Circumstances of a Number of the Inhabitants of Medway Holliston Bellingham and the westerly Precinct in Wrentham; which Pray they may be Set of as a Distinct Precinct: we having Viewed the Same; heard the Parties Concerned. and on the whole are of opinion that the Prayer of the Petitioners be So far granted as that all the Inhabitants with the Estates Contained within the bounds Petitioned for be Set of as a Distinct and Seperate Precinct and to be Vested with the Powers and Privilidges as other Precincts Enjoy

Mass. Archives, cxv., 280-285. Legislative Records of the Council, xxiii., 397, 430. House Journal, pp. 119, 125, 126. *Ante*, p. 159, chap. 46.

Excepting the Persons with the Estates hereafter Mentioned Viz William Richardson and Mallica Bullard in Medway, and Joseph Alles in wrentham with their Estates; as also the lands in Holiston not Included within the Bounds hereafter mentioned; Viz from the Southerly Corner of Mendon thence Easterly on the line between Bellingham and Holiston to John Hills land in Holiston and Including s<sup>d</sup> Hills home Place: thence Including Eliazer Adams Jun<sup>r</sup> home Place to medway line thence on Medway line Notherly to George Demings in medway thence Including s<sup>d</sup> Deming's Home Place as Discribed in the Petition

and as to the Petitioners in Medway Desiring to be laid to Holiston they Did not appear to Support their Request in s<sup>d</sup> Petition

we have also Considered the Circumstances of Bellingham and find them in an unhappy Situation: and little or no Prospect of Enjoying the Gospel with them at Present

and whereas this Honoured Court Directed the Inhabitants of Bellingham to lay before s<sup>d</sup> Court a list of their names: and of the Towns or Precincts whereunto they Desired Severally to be annexed as to the Enjoyment of Ecclesiastical Priviledges in June 1747

we are therefore of opinion that the Remaining Inhabitants

of Bellingham who are not Inclndid in this new Proposed Precinct Enjoy Privilidge and Do Duty in the Town or Precincts whereunto they Respectively have Desired to be annexed as in a Schedule by them Signed: as to Ecclesiastical affairs Till further order of this Court

All which is Humbly Submitted: JAMES MINOT *¶* order

Read &

*Ordered* that this Report be accepted, & that the Charge of the Committee be born by the Inhabitants of the Precinct hereby ordered to be made & constituted And that the Pet<sup>rs</sup> pay their proportion to the several Parishes (to which they have respectively belonged) of all Parish Taxes which have been already granted and laid upon the said Pet<sup>rs</sup>. [Passed December 29.<sup>1</sup>

## CHAPTER 169.

### ORDER CALLING A TOWN MEETING IN THE TOWN OF HULL.

Legislative Records of the Council, xviii., 432. Mass. Archives, cv., 313.

House Journal, p. 127.

A PETITION of Caleb Loring in behalf of the Town of Hull, shewing that the said Town in March last made Choice of one Constable only; since which the said Constable has fallen into Misfortunes which will oblige him to leave the s<sup>d</sup> Place & the Select men think it unsafe to trust him with the Collecting of the Taxes; And therefore Praying that the Select men may be impowered to call another Town Meeting to chuse another Collector instead of said Constable.

Read & in Answer to this Petition,

*Ordered* that the Inhabitants of the Town of Hull qualified to vote in Town Meetings, be & hereby are impowered (upon due Notice given by Warrant from the Select Men of said Town as is usual in other Cases) to meet together & choose a Collector or Collectors, to collect said Taxes in as ample a manner as by Law they might have done at their annual Meeting in March last, & the said Collector or Collectors, so chose, upon their refusing to serve, shall be subject to the Penalty or Forfeiture which by Law Collectors who refuse to serve in that Office are liable to. [Passed December 31.<sup>2</sup>

## CHAPTER 170.

### ORDER ALLOWING £13. 2. 6 TO ROBT ADAMS.

Legislative Records of the Council, xviii., 434. Mass. Archives, lxixii., 233.

House Journal, pp. 118, 130.

A PETITION of Robert Adams, shewing that while he was in the Service of this Province he was taken Captive by the Indians & carried to Canada, Praying that that<sup>3</sup> his Wages may be allowed during his Absence.

Read and

*Ordered* that the Treasurer be directed to pay the Pet<sup>r</sup> the Sum of thirteen pounds two shillings and Six pence in consideration of his Services within mentioned. [Passed January 3.

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is January 5.

<sup>2</sup> This date is according to Mass. Archives; according to Legislative Records of the Council and the House Journal the date is December 30.

<sup>3</sup> Sic.

## CHAPTER 171.

ORDER ALLOWING £5. 10 AND VOTE GRANTING A GUN TO JACOB PIKE.

A PETITION of Jacob Pike of Framingham, praying for an Allowance for his Losses in the Captivity of John Edgehill his Servant taken by the Indians while in the publick Service having a Gun of the Petitioners with him.

Legislative Records of the Council, xviii., 434. Mass. Archives, lxxiiii., 278.

Read and

*Ordered* that the Treasurer be directed to pay to the Pet<sup>r</sup> five pound ten Shillings out of the publick Treasury in consideration of the Service of his Servant within named

Mass. Archives, lxxiiii., 278. House Journal, pp. 125, 130.

*Voted* also that the Commissary General be directed to deliver the Pet<sup>r</sup> a gun out of the Province Store. [Passed January 3.

## CHAPTER 172.

ORDER ALLOWING £11. 10 TO PRESBURY WOOLEN.

A PETITION of Presbury Woolen of Sandwich, Shewing that he was taken Prisoner by the Indians while in the publick Service & carried to Canada, Praying for an Allowance for his Losses & Sufferings.

Legislative Records of the Council, xviii., 434. Mass. Archives, lxxiiii., 297.

Read and

*Ordered* that the Treasurer be directed to pay to Samuel Tupper Esq<sup>r</sup> for the Use of the Pet<sup>r</sup> Eleven pounds ten Shillings in consideration of his services and Sufferings within mentioned. [Passed January 3.

Mass. Archives, lxxiiii., 297. House Journal, pp. 118, 130.

## CHAPTER 173.

ORDER ALLOWING £5. 8. 6 AND VOTE GRANTING A GUN TO JON<sup>A</sup> LAWRENCE.

A PETITION of Jonathan Lawrence for his Losses by the Captivity of his Son who was taken by the Indians while in the publick Service of the Province, praying for an Allowance for the same.

Legislative Records of the Council, xviii., 434. Mass. Archives, lxxiiii., 286.

Read and

*Ordered* that the Treasurer be directed to pay the Pet<sup>r</sup> the Sum of five pounds Eight Shillings and Six pence out of the Treasury in consideration of the Service of his Son abovenamed.

House Journal, pp. 125, 130.

*Voted* also that the Commissary Gen<sup>l</sup> be directed to deliver the Pet<sup>r</sup> a Gun out of the Province Stores. [Passed January 3.

## CHAPTER 174.

ORDER ALLOWING £4 TO MARY JONES.

A PETITION of Mary Jones, Praying for some Releif from this Court in Consideration of her late Husband Thomas Jones being taken by the Indian Enemy & dying in his Captivity.

Legislative Records of the Council, xviii., 435. Mass.

Archives,  
lxviii., 239.

House Jour-  
nal, pp. 118, 130.

Read and

*Ordered* that the Treasurer be directed to pay to the Pet<sup>r</sup> the Sum of four pounds out of the publick Treasury in consideration of the Services of her late husband abovenamed. [Passed January 3.]

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## CHAPTER 175.

### ORDER ALLOWING £5. 8 AND VOTE GRANTING A GUN TO THOS TAYLOR.

Legislative  
Records of the  
Council, xviii.,  
436. Mass.  
Archives,  
lxviii., 240.

House Jour-  
nal, pp. 118, 130.

A PETITION of Thomas Taylor praying for some Allowance out of the publick Treasury for his Losses & Sufferings occasioned by his being taken Prisoner by the Indian Enemy, while in the publick Service.

Read and

*Ordered* that the Treasurer be directed to pay to the Pet<sup>r</sup> the Sum of five pounds eight shill<sup>gs</sup> in consideration of his Services above-mentioned.

*Voted* also that the Commissary Gen<sup>l</sup> be directed to deliver the Pet<sup>r</sup> a Gun out of the Province Store. [Passed January 3.]<sup>1</sup>

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## CHAPTER 176.

### ORDER IN REGARD TO THE RETURN TO JAMES HOBBS OF £120. 15 SECURITY DEPOSITED FOR DUTIES ON MERCHANDISE.

Legislative  
Records of the  
Council, xx.,  
488. Mass.  
Archives,  
lxiv., 324.

Mass.  
Archives,  
lxiv., 323.  
House Jour-  
nal, pp. 125, 129.

A PETITION of James Hobbs praying that the Duty of Impost may be taken off from a Quantity of Rum & Sugar which he brought into the Port of Salem, the same belonging to Merchants in the Province of New Hampshire, where he is obliged to deliver it, And that the Bonds he has given to the Impost Officer may be cancelled

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and that Benjamin Lynde Esq<sup>r</sup> the officer for the Port of Salem be directed to deliver to the Pet<sup>r</sup> the Security which he gave for £120. 15 for the dutys of the Rum and Sugar accordingly. [Passed January 4.]<sup>2</sup>

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## CHAPTER 177.

### ORDER DIRECTING THE COMMITTEE TO STRIKE OFF £7,875 IN BILLS OF CREDIT.

Legislative  
Records of the  
Council, xviii.,  
435. Mass.  
Archives, cii.,  
402.

House Jour-  
nal, p. 131.  
Province

A MEMORIAL of William Foye Esq<sup>r</sup> Treasurer moving that the Court would give Order for striking off Fifteen Bundles of Bills of Credit from the Plate of the highest Denomination for paying off divers Muster Rolls now lying for Payment.

Read and

*Ordered* that the Committee for Signing Bills of Credit be directed

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is January 5.

<sup>2</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is February 1.

to cause to be Struck off fifteen Bundles viz Seven thousand Eight hundred & Seventy five [pounds]<sup>1</sup> from the large Plate and delivered to the Treasurer for the purposes mentioned. [*Passed January 4.*<sup>2</sup>

## CHAPTER 178.

### ORDER IMPOWERING THE IMPOST OFFICER TO REMIT TO CPT ISAAC FREEMAN THE DUTIES ON PRIZE GOODS.

A PETITION of Cap<sup>t</sup> Isaac Freeman Commander of the Ship *Bethel* in behalf of himself & the Owners of the said Ship, shewing that altho he was obliged to have a Spanish Prize taken by the said Ship, *Bethel*, condemned in Newfoundland yet he brought her whole Cargo to Boston, Therefore Praying that the Duty of Impost may be taken off from it.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and that the Impost Officer be and He hereby is directed to remitt to the Pet<sup>r</sup> the Duties upon the Prize Goods within mentioned accordingly. [*Passed January 5.*

## CHAPTER 179.

### ORDER ALLOWING £3 TO W<sup>M</sup> STEVENS.

A PETITION of William Stephens, praying for some Allowance out of the publick Treasury in Consideration of his great Sufferings occasioned by a Wound he received while in the publick Service.

Read and

*Ordered* that the Treasurer be directed to pay the Petitioner the Sum of three pounds out of the Treasury in consideration of his Sufferings within mentioned. [*Passed January 6.*<sup>3</sup>

Legislative Records of the Council, xviii., 435. Mass. Archives, Ixiv., 329.

Mass. Archives, Ixiv., 328. House Journal, pp. 130, 132.

## CHAPTER 180.

### ORDER FOR ADJOURNING THE INF<sup>R</sup> COURT OF BARNSTABLE COUNTY.

WHEREAS divers of the Justices of the Court of General Sessions of the Peace & Inferior Court of Common Pleas w<sup>th</sup> by Law were to have been held at Barnstable in the County of Barnstable on the third Tuesday of January currant are members of this Court, and the important affairs of the Province now depending require their attendance thereon; Wherefore

*Order'd* that the Courts aforemention'd (that were to have been held at the time aforesaid) be adjourn'd to the last Tuesday of this instant January to be held at the Court House in sd Town of Barnstable, at ten of the Clock in the forenoon of sd Day: and all Pleas,

Legislative Records of the Council, xviii., 436. Mass. Archives, xlii., 782.

House Journal, p. 133. Province Laws, iii., 64, chap. 32.

<sup>1</sup> Illegible; inserted from Legislative Records of the Council, xviii., 435.

<sup>2</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is January 5.

<sup>3</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is January 17.

Writts, actions, suits, Plaints, Process, Precepts, Recognizances & other Thing & Things whatsoever Returnable or having Day or Days in the said Court, shall stand, abide & continue unto the said adjournment, & be held, deem'd & adjudg'd to be as good, effectual & available in Law to all Intents, Constructions & Purposes, as if such Courts had been held & kept on the Day by Law for holding the same, & no adjournment thereof had been made. [Passed January 6.]

## CHAPTER 181.

### ORDER ALLOWING £5 TO WM GERMAIN.

Legislative Records of the Council, xviii., 437.

House Journal, pp. 125, 133.

A PETITION of William Germain of Yarmouth; Praying for an Allowance from this Court in Consideration of his Services & Sufferings in the last Indian War, whereby his Health has been much impaired, & he wholly lost the Sight of one Eye & almost of y<sup>e</sup> other. Read &

*Ordered* that the Treasurer be directed to pay the Petitioner the Sum of Five Pounds out of the publick Treasury in Consideration of his Sufferings abovementioned. [Passed January 6.]

## CHAPTER 182.

### ORDER IMPOWERING ELIZABETH DUDLEY, ADMINISTRATRIX, TO SELL REAL ESTATE.

Legislative Records of the Council, xviii., 438. Mass. Archives, xviii., 410.

House Journal, p. 133.

A PETITION of M<sup>rs</sup> Elizabeth Dudley, Widow of William Dudley Esq<sup>r</sup> late of Roxbury Deed<sup>d</sup> Intestate, & Administr<sup>x</sup> of his Estate, Praying for Liberty to sell a Piece of Land belonging to said Estate lying in the Town of Oxford, within the County of Worcester which is apprehended to be for the Benefit of the Heirs of the Dec<sup>d</sup> William Dudley Esq<sup>r</sup>

Read and in Answer to this Petition

*Ordered* that the Petitioner be & she is hereby Enebled<sup>1</sup> to make sale of the Lands mentioned in this Petition to y<sup>e</sup> highest bider & to Execute a good Deed of the same she to be accountable to the Judge of Probate for the County of Suffolk for the mony arising by Such Sale. [Passed January 6.<sup>2</sup>]

## CHAPTER 183.

### ORDER CONFIRMING A PLAT OF 150 ACRES OF LAND TO THOS WHITE, MARSHFIELD.

Legislative Records of the Council, xviii., 437. Maps and Plans, Mis., xxxv., 7.

A PLAT of One hundred & fifty Acres of Land laid out by Joseph Wilder Jun<sup>r</sup> Esq<sup>r</sup> Surveyor & Chainmen on Oath, to fulfill a Grant made by the General Court to Thomas White of Marshfield, beginning at a Chestnut Tree standing on Lunenburg Line, Thence running

<sup>1</sup> *Sic.*

<sup>2</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is January 9.

South one Degree East, One hundred & forty rods, by unappropriated Lands to a Pillar of Stones, the South East Corner; Thence West seven Deg<sup>r</sup>s South two hundred & Ninety rods to a Pillar of Stones the Southwest Corner, bounding South by unappropriated Lands, Thence running North fourteen Degrees East by unappropriated Land Sixty Rods to a heap of Stones; Thence running East fifteen Degrees South by unappropriated Lands thirty six Rods to a white Oak Tree, a Corner of 100 Acres of Land laid out upon a Grant made to William Perkins now in Possession of Josiah White; extending the same Course by the said Farm, One hundred rods to a heap of Stones, there making an Angle, & running with said Farm North fifteen Degrees East, One hundred & sixty six Rods, to a heap of Stones, a Corner of said hundred Acres, there making an Angle & running West, fifteen Deg<sup>r</sup>s North, One hundred Rods to a Chestnut Tree; Thence North Fifteen Deg<sup>r</sup>s East to a Heap of Stones on Lunenburg Line eighteen rods; From thence by Lunenburg One hundred & Ninety five Rods to the Place where it began

Maps and  
Plans, Mis.,  
xxxv., 7.  
House Jour-  
nal, p. 133.  
Province  
Laws, xii., 539,  
chap. 147.

Read and

*Ordered* that the within Plan be accepted and the land herein delineated and described be and hereby is Confirmed to the within named Thomas White his Heirs and Assigns Provided the Quantity of Land exceeds not the Grant nor interferes with any former Grant.

[Passed January 7.<sup>1</sup>

## CHAPTER 184.

### ORDER ALLOWING £1. 2 TO BENJ<sup>A</sup> ELLIS.

A PETITION of Benjamin Ellis late a Soldier under Cap<sup>t</sup> Jordan, Praying y<sup>t</sup> he may be allowed four days, Wages & Subsistence omitted in his Muster Roll for y<sup>e</sup> Yea<sup>r</sup> 1744

Legislative  
Records of the  
Council, xviii.,  
438. Mass.  
Archives,  
lxix., 223.

Read and in answer

*Ordered* that the Treasurer be directed to pay to Samuel Tupper Esq<sup>r</sup> the Sum of One pound two Shillings out of the Treasury for the Use of the Pet<sup>r</sup>. [Passed January 7.

House Jour-  
nal, pp. 118, 134.

## CHAPTER 185.

### ORDER ALLOWING £25 TO JOSEPH BEAN AND ESTABLISHING HIS WAGES.

A PETITION of Joseph Bean Interpreter of the Indian Language, shewing that his Allowance for Attending the publick Service in the Employment is not sufficient for his Support And praying for such an Addition to his Allowance for his better Encouragement in said Service

Legislative  
Records of the  
Council, xviii.,  
438. Mass.  
Archives,  
lxix., 228.

Read and

*Ordered* that the Sum of twenty five pounds be allowed the Pet<sup>r</sup> out of the publick Treasury in consideration of his past Services, and that His Wages be at the rate of Three pounds and Nine pence per month agreeable to the Establishment of a Lieutenant. [Passed January 7.<sup>2</sup>

Mass.  
Archives,  
lxix., 227.  
House Jour-  
nal, pp. 129, 134.

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council and the House Journal the date is January 6.

<sup>2</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is January 9.

## CHAPTER 186.

## ORDER ALLOWING £17. 12 TO CPT JOHN STEVENS.

Legislative  
Records of the  
Council, xviii.,  
439. Mass.  
Archives,  
lxviii., 315.

House Jour-  
nal, pp. 71, 86.

A PETITION of Capt<sup>t</sup> John Stevens, shewing that an Allowance made him by this Court for billeting Soldiers at their Session in November last is lost or mislaid, Therefore praying that it may be revived

Read and in as much as the former Order mentioned was lost or mislaid before it was passd upon by the whole Court

*Ordered* that the Pet<sup>r</sup> be allowed out of the publick Treasury forty Seven pounds twelve Shillings in full for Billeting the Soldiers above-mentioned. [Passed January 10.]

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## CHAPTER 187.

## ORDER WITH STAY OF EXECUTIONS REQUIRING THE CONSTABLES AND COLLECTORS OF ATTLEBORO TO SEND IN THEIR ACCOUNTS.

Legislative  
Records of the  
Council, xviii.,  
428. Mass.  
Archives, cxv.,  
326.

Legislative  
Records of the  
Council, xviii.,  
439. House  
Journal,  
pp. 117, 131, 135,  
136.

A PETITION of John Robins & others, who have been Constables in that part of Attleborō called the Gore, now taken into the Government of Rhode Island, shewing the Difficulties they are under in gathering the Taxes there, Praying for the Direction of this Court.

Read &

*Ordered* that the Treasnrer send to the several Constables & Collectors within refer'd to, requiring them to send in their several Acco<sup>ts</sup> upon Oath, of what Monies they have rec<sup>d</sup> in Consequence of the Taxes committed to them & of what still remains due thereon from the Inhabitants lately taken into the Government of Rhode Island, that said Acompts may be laid before this Court at their next Sitting, And that the Executions now out against s<sup>d</sup> Constables be stayed in the mean Time. [Passed January 10.]<sup>1</sup>

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## CHAPTER 188.

## ORDER IMPOWERING ABIGAIL BURT, GUARDIAN, AND OTHERS TO SELL REAL ESTATE.

Legislative  
Records of the  
Council, xviii.,  
439. Mass.  
Archives,  
xviii., 414.

Mass.  
Archives,  
xviii., 412.  
House Jour-  
nal, pp. 122, 135.

A PETITION of Abigail Burt of Boston Widow of John Burt dece<sup>d</sup> & Ga<sup>n</sup>rdian to her two Children Benjamin & Susanna Burt Minors, of Nathanael Howland & Abigail his Wife, Samuel Burt, William Burt & Francis Shaw & Sarah his wife, all Children of the deceased, shewing that the said John Burt died, siezed of a Farm in Woburn, Containing about two hundred Acres, That the Buildings & Fences thereon are much out of Repair; And therefore praying, that they may be impowered to make Sale of the Same, whieh they have now a good Opportunity to do to their great Advantage.

Read and

*Ordered* that the Prayer of the Pe<sup>tn</sup> be granted and the Pet<sup>r</sup> Abigail Burt (together with the other Pet<sup>ts</sup>) is hereby allowed and impow-

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is January 11.

ered to make Sale of the House and Land herein mentioned. She giving sufficient Caution to the Judge of Probate for the County of Suffolk to Account for the Proceeds of said Sale according to Law.  
[Passed January 11.]

## CHAPTER 189.

### ORDER GRANTING TO MARY BLANEY LICENCE TO RETAIL STRONG LIQUOR.

A PETITION of Mary Blaney of Salem, Widow, shewing that for the Support of her Family, she hath lately open'd a Shop of Goods, which makes it convenient for her to retail strong Drink; And therefore praying that this Court would impower the Court of General Sessions of the Peace, to grant her a Licence, she having obtained the Approbation of the Select men of s<sup>d</sup> Town for retailing

Legislative Records of the Council, xviii., 440. Mass. Archives, cxix., 422.

House Journal, p. 135.

Read and

*Ordered* that the Justices of the Gen<sup>t</sup>l Sessions of the Peace for the County of Essex be allowed at their next Sitting to grant the Pet<sup>r</sup> a Licence if they see cause, the time for granting Licences being elapsed notwithstanding. [Passed January 12.]

## CHAPTER 190.

### ORDER ALLOWING £11. 9. 2 FOR THE WAGES OF DIVERS SEAMEN ON THE MASSACHUSETTS FRIGATE.

A MUSTER ROLL presented by Cap<sup>t</sup> Moses Bennett Commander of the Ship Massachusetts Frigate, of the Wages of divers Seamen (omitted out of his former Roll) from May, 10<sup>th</sup> 1748, to May 25<sup>th</sup> Amounting to the Sum of £11. 9. 2.

Legislative Records of the Council, xviii., 441. Mass. Archives, xcii., 109.

Read and

*Ordered* that the above mentioned Sum of Eleven pounds Nine Shillings and two pence be paid out of the Treasury to Gamaliel Bradford Esq<sup>r</sup> to be by him repay'd to the above named Persons to whom it is respectively due.<sup>1</sup> [Passed January 13.<sup>2</sup>]

## CHAPTER 191.

### ORDER DIRECTING THE PAYMENT OF WAGES DUE JOSEPH RICHARDSON.

*Ordered* that the Treasurer be directed to pay to Nathaniel Richardson or Order the Wages due upon Muster roll to his Son Joseph Richardson dec'd who was Killed in the Service of the Province The s<sup>d</sup> Nath<sup>l</sup> to be accountable to any Admir<sup>r</sup> that shall be app<sup>ted</sup> upon the Estate of the Dec'd. [Passed January 13.]

Legislative Records of the Council, xviii., 440. Mass. Archives, lxiii., 325.

House Journal, p. 137.

<sup>1</sup> Not found in the House Journal.

<sup>2</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is January 14.

## CHAPTER 192.

## ORDER ADJOURNING THE COURTS OF THE COUNTY OF MIDDLESEX.

Legislative  
Records of the  
Council, xviii.,  
441. Mass.  
Archives, xlii.,  
783.

House Jour-  
nal, p. 139.

WHEREAS divers of the Justices & others concern'd in the Court of General Sessions of the Peace, and Inferior Court of Common Pleas in the County of Middlesex (which stand adjourn'd to Tuesday next) are Members of this Court, and the Importance of the Publick affairs now depending, require their attendance thereon: Therefore

*Ordered*, that the aforesaid Courts of General Sessions of the Peace, and common Pleas, be & they are hereby further Adjourn'd to Tuesday the twenty fourth Day of January currant at ten of the Clock beforenoon, to be held at the Court House in Charlestown in said County: And all Orders, Judgments, & other Proceedings to be made, rendred or had at said Adjournment, shall be valid & effectual in Law, as if had, rendred or made by said Courts or either of them, at the time by Law appointed for holding of the same. [Passed January 14.]

## CHAPTER 193.

## VOTE IMPOWERING WM RIPLEY, GUARDIAN, TO SELL REAL ESTATE.

Legislative  
Records of the  
Council, xviii.,  
441. Mass.  
Archives,  
xviii., 417.

Mass.  
Archives,  
xviii., 415.  
House Jour-  
nal, pp. 125, 139.

A PETITION of William Ripley, Gaurdian of the Children of John Ripley late of Bridgewater dec'd setting forth the Ciremnstances of the real Estate of the said John, rendring it necessary that it should be sold, And therefore praying for Liberty from this Court to sell it accordingly.

[Read &]

*Voted* That the Prayer. of this Petition Be Granted and That the Petitioner William Ripley Be and Hereby is Impowered to make sale of the Buildings and Land within mentioned to such Person as Will Give most for the same & Execute In due form of Law a deed or Deeds for the Conveyance Thereof Provided the Petitioner Give sufficient Caution to the Judge of Probate for the County of Plymouth to account for the Produce of the Premisses and to Dispose of the Same Persuant to Law. [Passed January 16.]

## CHAPTER 194.

## VOTE ALLOWING £8 TO JOEL JOHNSON.

Legislative  
Records of the  
Council, xviii.,  
442. Mass.  
Archives,  
lxixiii., 305.

Mass.  
Archives,  
lxixiii., 304.  
House Jour-  
nal, pp. 132, 140.

A PETITION of Joel Johnson, praying for some Allowance out of the publick Treasury in Consideration of his Losses & Sufferings in his late Captivity with the Indians while he was a Soldier in the publick Service.

[Read &]

*Voted* that the Province Treasnrer Pay the the<sup>1</sup> Petitioner the sum of Eight Pounds for his service and sufferings out of the Grant to Pay Wages dne on muster Rolls. [Passed January 17.]

<sup>1</sup> *Sic.*

## CHAPTER 195.

ORDER IMPOWERING ANDREW HALL, JUN<sup>R</sup>, TO PLEAD TO AN ACTION.

A PETITION of Andrew Hall Jun<sup>R</sup> of Boston, Shewing that in an Action commenced against him at the Inferior Court of Common Pleas held at Newbury in September last by James M<sup>ch</sup>ard of Haverhill, by reason of the Mistake & Forgetfulness of his Attorney, Judgment went against the Petitioner by Default, And therefore Praying that he may be enabled at the next Inferior Court for said County to plead to the said Writ & Action, as if there had been no Default, unless the Plaintiff will consent to have the Matter determined by Referrees.

Read together with the Answer of James M<sup>ch</sup>ard, & the Matter being fully considered;

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted, & that the Pet<sup>r</sup> be & hereby is impowered to plead & make Answer to the Writt within mentioned, at the next Infr<sup>r</sup> Court of Common Pleas to be holden at Ipswich for the County of Essex on the last Tuesday of March next, And that the Justices of the s<sup>d</sup> Court, be & hereby are authorized & Impowered to hear & determine the same, make up Judgment & award Execution thereupon, the Default referred to in the Petition Notwithstanding. [Passed January 17.]

Legislative Records of the Council, xviii., 423. Mass. Archives, lxiiv., 307.

Legislative Records of the Council, xviii., 443. House Journal, pp. 112, 141.

## CHAPTER 196.

ORDER ALLOWING A GUN TO SAM<sup>L</sup> BLISS.

A PETITION of Samuel Bliss of Western, praying that he may be allowed out of the publick Treasury for a Gun of his, which was taken by the Indian Enemy, when the Petitioners Servant Joseph Jennings a Soldier in the Service of the Province was killed by them.

Read and

*Ordered* that the Commissary General be directed to deliver the Memorialist a Gun out of the Province Store. [Passed January 18.]

Legislative Records of the Council, xviii., 443. Mass. Archives, lxxiiii., 295.

House Jour. nal, pp. 140, 141.

## CHAPTER 197.

## ORDER ALLOWING £18 TO JOHN ALDRICH.

A PETITION of John Aldrich, Praying for some Allowance out of the publick Treasury for his Losses & Sufferings occasioned by his Captivity, he being taken by the Indian Enemy while in the Service of the Province.

Read and

*Ordered* that the Treasurer be directed to Pay the Pet<sup>r</sup> or order the sum of Eighteen pounds in consideration of his Services and Sufferings. [Passed January 18.]

Legislative Records of the Council, xviii., 443. Mass. Archives, lxxiiii., 306.

House Jour. nal, pp. 140, 142.

## CHAPTER 198.

ORDER ALLOWING £100 TO CPT. JOS HOW.

Legislative  
Records of the  
Council, xviii.,  
444. Mass.  
Archives,  
lxxiii., 271.

Mass.  
Archives,  
lxxiii., 270.  
House Jour-  
nal, p. 142.

A MEMORIAL of Cap<sup>t</sup> Joseph How of Marlborough for himself & Company; Praying yt they may be allowed out of the publick Treasury a suitable Consideration for the Loss of their Horses killed by the Indian Enemy near the Fort at Number Four, where the Memorialist & his Troop of Horse were sent by his Excy's Order for the Defence of said Place in the Year 1746.

Read and in answer

*Ordered* that the Sum of One hundred pounds be allowed out of the publick Treasury to the Memorialist Joseph How to be by him paid to the several Persons for the Loss of their Horses in proportion to the Appraizments exhibited with this Pet<sup>n</sup> in full discharge for their Loss mentioned. [Passed January 18.]

## CHAPTER 199.

ORDER ACCEPTING THE REPORT OF YE COMTEE ON YE AFFAIR OF NATICK AND CALLING A NEW PARISH MEETING.

Legislative  
Records of the  
Council, xviii.,  
399. Mass.  
Archives, cxv.,  
416.

Mass.  
Archives, cxv.,  
410-416. Maps  
and Plans,  
Mis., xxxv., 4.  
Legislative  
Records of the  
Council, xviii.,  
403, 444. House  
Journal, pp. 83,  
142. *Ante*,  
p. 15s, chap. 42.

A PETITION of sundry Inhabitants of the Parish of Natick, complaining of great Irregularities in the Proceedings of the last Meeting of the Inhabitants for the Choice of Parish Officers, & Praying that the said Meeting may be set aside, & an other called, And that a Moderator thereof may be appointed by this Court.

The Committee appointed on the Petition of David Morse and Others Inhabitants of Natick having heard the Parties & consider'd the several Pleas offer'd in support of said Petition & in opposition to it, find that the Qualification of Voters in the last Parish meeting in Natick was (by express Order of the Great & General Court in June last) to be judg'd of & determin'd by the List & Valuation of Estates & Faculties of Persons residing there, lately taken by Order of this Court; It likewise appears to the Committee that at the Meeting referr'd to, divers Ter-Tenants (Inhabitants of said Parish) mentioned in said List & valuation, having Estates in their Tenure & Oencionation sufficient to qualifie them for Voting, were denied that Priviledge, altho' the proper owners of said Estates then dwelt in other Towns, & no Person residing in said Parish (except the said Ter-Tenants) could legally be admitted to Vote on those Estates: The Committee apprehending said Proceedings to be irregular & illegal are therefore humbly of opinion that the Transactions of s<sup>d</sup> meeting & all Proceedings consequent & dependant thereupon be deemed & declared Null & Void; and that the Freeholders & Inhabitants of said Parish duly qualifyed to Vote in Parish affairs be again assembled (as soon as conveniently may be) for the purposes mentioned in the Warrant issued for calling their last meeting, and to be regnlated in manner as this Court shall Order

Which is submitted in the Name of the Committee

SAMUEL DANFORTH

Read & accepted, and thereupon

*Order'd* that all Votes & Transactions of the Parish of Natick in their Meeting of the 27<sup>th</sup> of June last, and other Proceedings consequent & dependant thereon be and they are hereby annull'd & declared void, and the Parish Committee for the last Year are hereby requir'd to issue their Warrant for assembling (as soon as conveniently may be) the Freeholders & Inhabitants of said Natick (qualified to Vote in Parish affairs) for the purposes mentioned in their Warrant for calling their aforesaid meeting of the 27<sup>th</sup> of June last; And that the Qualification of Voters in the meeting so to be called, be judg'd of & determined as in the aforementioned order of this Court in June last is directed: and Thomas Greenwood Esqr is hereby appointed & authoriz'd to moderate & Regulate the said meeting accordingly; Whom the said Committee are seasonably to notifye of the Time & Place of said meeting. [Passed January 18.

## CHAPTER 200.

### ORDER ALLOWING £6. 12 AND A GUN TO DAN<sup>E</sup> FARMER.

A PETITION of Daniel Farmer, Praying for some Allowance out of the publick Treasury for his Losses & Sufferings by means of his being taken Prisoner by the Indian Enemy when in y<sup>e</sup> Service of y<sup>e</sup> Province.

Legislative Records of the Council, xviii., 444. Mass. Archives, lxxiii., 302.

Read and

*Ordered* that the Treasurer be directed to pay to Maj<sup>r</sup> Laurence Six<sup>1</sup> pounds twelve Shillings for the Use of the Petitioner.

Mass. Archives, lxxiii., 301; cxxiv., 303. House Journal, nat, p. 142.

*Ordered* also that the Commissary General be directed to deliver said Laurence for said Pet<sup>r</sup>s Use a Gun out of the Province Store.

[Passed January 18.

## CHAPTER 201.

### ORDER ALLOWING £8. 15 AND A GUN TO ABNER HALL AND TO EZRA AND JONATHAN GARNET EACH A GUN.

A PETITION of Abner Hall, Ezra Garnet & Jonathan Garnet, Soldiers on the Eastern Frontiers, praying that they may be allowed for the Losses they sustained in the accidental Burning of the Garrison where they were posted.

Legislative Records of the Council, xviii., 445. Mass. Archives, lxxiii., 291.

Read and

*Ordered* that Abner Hall be allowed out of the publick Treasury Eight pounds fifteen Shillings. Also a Gun out of the Province Store.

Mass. Archives, lxxiii., 291. House Journal, pp. 140, 148.

*Ordered* also that Ezra Garnet and Jonathan Garnet be allowed each of them a Gun out of the s<sup>d</sup> Province Store. [Passed January 19.

<sup>1</sup> Legislative Records of the Council, xviii., 444, reads, "Five."

## CHAPTER 202.

## ORDER ALLOWING £15 TO DAVID WOODELL AND JOHN BURBANK.

Legislative  
Records of the  
Council, xviii.,  
445. Mass.  
Archives,  
lxxiii., 303.

Mass.  
Archives,  
lxxiii., 303.  
House Jour-  
nal, pp. 71, 143.

A PETITION of David Woodell, Shewing that he & John Burbank having Relations in Captivity in Canada, are about to proceed thither to procure their Redemption; And for as much as they shall be obliged to hire a Pilot, praying that this Court would grant them a Sum of Money for that Purpose

Read and

*Ordered* that the Sum of fifteen pounds be allowed out of the publick Treasury to Mess<sup>rs</sup> David Woodel and John Burbank to Enable them to Procure a Pilot to Canada to Assist them in the redemption of said Woodel's Daughter and Burbank's Brother. [Passed January 19.]

## CHAPTER 203.

## ORDER DIRECTING THE PREPARATION OF A PLAN OF THIRTY FIVE ACRES OF LAND IN TETTICUTT.

Mass.  
Archives,  
xlvii., 210.

Mass.  
Archives,  
xxxii., 458.  
House Jour-  
nal, pp. 51, 118.  
Province  
Laws, xiii., 332,  
chap. 246; 348,  
chap. 283.

THE HUMBLE PETITION [of] a preecinct (some years sence set of by this Hon<sup>ble</sup> Court Consisting [of] part of Bridgwater and a part of middleborough Commonly Called and Known by the name of titecut preecinct) Humbly sheweth that at the time or about the time of sd preecinct being set of as above sd sundry of the Indian Inhabitance of titecut being desirous to Joyn with us petitioned this Hon<sup>ble</sup> Court that they might be Enabled to give to our sd preecinct five acers of their lands whereon to set the meeting house in sd preecinct and thirty acers of land for the ministry in sd preicinet forEver and such highways as shall be thought proper: Which petition so far pased this Hon<sup>ble</sup> Court that a Com<sup>tee</sup> was appointed to order the same which sd Com<sup>tee</sup> ordred accordingly that mes<sup>rs</sup> Benj<sup>a</sup> White and Ezra Clap were appointed by sd Com<sup>tee</sup> to lay out and plan sd lands who returned a plan of their laying out the same sence which all the papers in sd case being burnt your petitioners have niver had sd lands Confermed Your Humble petitioners world therefore humbly pray that your Exceleney and Hon<sup>rs</sup> Would be pleased to take these things into your wise and just consideration and order that the abovsd thirty and five acers of land be Confermed for the uses abovesd and your petitioners as in duty bound shall Ever pray

BENJ<sup>A</sup> WHITE } Com<sup>tee</sup> of  
BENJ<sup>A</sup> WASHBURN } sd preecinct

Read and

*Ordered* that Benjamin White and Ezra Clap be allowed to draw a Plan of the land therein mentioned and lay the same before this Court as soon as may be.<sup>1</sup> [Passed January 21.]

<sup>1</sup> The *final* action on this petition is not found in the House Journal.

## CHAPTER 204.

ORDER ALLOWING £8 AND VOTE GRANTING A GUN TO MATHEW WYMAN JUN<sup>R</sup>.

A PETITION of Matthew Wyman Jun<sup>r</sup> Praying for some Allowance from this Court in Consideration of his Losses & Sufferings by means of his being taken Captive by the Indians while he was in the publick Service.

Read and

*Ordered* that the Treasurer be directed to pay to Cap<sup>t</sup> Richardson out of the Treasury Eight pounds for the Use of the Pet<sup>r</sup>. Also

*Voted* that the Commissary Gen<sup>l</sup> deliver s<sup>d</sup> Richardson for the Use afores<sup>d</sup> a Gun out of the Province Store. [Passed January 23.]

Legislative Records of the Council, xviii., 447. Mass. Archives, lxxiii., 321.

Mass. Archives, lxxiii., 321. House Journal, p. 146.

## CHAPTER 205.

VOTE ESTABLISHING THE PAY OF YE MEMBERS OF YE GEN<sup>L</sup> COURT.

*Voted* that from the beginning of the present Sitting of this Court, and during the present Year Each Member of the Council shall be Entitled to ten Shillings per diem. And that each Member of the House of Rep<sup>ves</sup> Shall be Entitled to Seven shillings and Six pence per diem, out of the publick Treasury, for each day of their attendance. [Passed January 24.]

Legislative Records of the Council, xviii., 447. Mass. Archives, lxxix., 244. House Journal, p. 148.

## CHAPTER 206.

ORDER IMPOWERING THOS PAYNE, ADM<sup>R</sup>, TO FILE A COMPLAINT.

A PETITION of Thomas Payne of Boston, shewing that whereas this Court were pleased in April last to impower him to file his Complaint at the Superior Court in Boston against Thomas White, the Term ended before the Governour signed the Order, by which Means it was then rendred ineffectual; And therefore Praying that he may be now allowed the same Benefit.

Legislative Records of the Council, xviii., 461. Mass. Archives, xviii., 418. Ante, p. 114, chap. 285.

Read &

*Ordered* that the Prayer of the Petition be granted, And that the said Thomas Paine Administrator de Bonis non be & hereby is impowered to file his Complaint at the next Superior Court of Judicature &c<sup>a</sup> to be held at Boston within & for the County of Suffolk on the third Tuesday of February next for the Affirmation of said Judgment to the said Thomas as Administrator afores<sup>d</sup> And the Justices of said Court be and hereby are impowered to affirm the said Judgm<sup>t</sup> & award Execution thereupon accordingly. [Passed January 25.<sup>1</sup>]

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is January 30.

## CHAPTER 207.

## ORDER GRANTING TO JAMES PROCTER LICENCE TO KEEP A TAVERN.

Legislative  
Records of the  
Council, xviii.,  
41s. Mass.  
Archives, cxii.,  
159.

Mass.  
Archives, exi.,  
15s. House  
Journal, p. 147.

A PETITION of James Proctor of Woburn, shewing that by the Death of Nathan Blodget, a very useful Tavern in the Neighbourhood of the Petitioner is thrown up; Therefore praying that the Court of General Sessions of the Peace for the County of Middlesex may be impowered to licence him as a Taverner.

Read and

*Ordered* that the Justices of the Gen<sup>l</sup> Sessions of the Peace for the County of Middlesex be and they hereby are Impowered to grant the Pet<sup>r</sup> a Licence (if they see cause) to keep a house of publick Entertainment at their Session in March next. (He first obtaining the Approbation of the Select Men of Woburn) The time for granting Licences being elapsed notwithstanding. [Passed January 26.<sup>1</sup>

## CHAPTER 208.

## ORDER DIRECTING THE ATTORNEY GENERAL TO ENTER A NOLLE PROSEQUI IN AN ACTION AGAINST JOSEPH BLANCHARD.

Legislative  
Records of the  
Council, xviii.,  
41s. Mass.  
Archives,  
lxixiii., 309.

Mass.  
Archives,  
lxixiii., 307.  
House Jour-  
nal, p. 151.

A PETITION of Joseph Blanchard late of Groton now of New Hampshire, shewing that he is prosecuted in the County of Middlesex at the Court of Assize there for an Assault alledged to be committed by him on Amos Brown & David Whitney; And for as much as he was entirely innocent, & the thing was done by Ignorance & Mistake, praying that this Court would interpose their Authority by stopping the Prosecution against him.

Read and in answer

*Ordered* that the Attorney Gen<sup>l</sup> be directed to Enter a Noli Prosequi ag<sup>t</sup> the Pet<sup>r</sup>. [Passed January 26.

## CHAPTER 209.

## ORDER ALLOWING £21. 10 AND A GUN TO STEPHEN FARNSWORTH.

Legislative  
Records of the  
Council, xviii.,  
41s. Mass.  
Archives,  
lxixiii., 316.

Mass.  
Archives,  
lxixiii., 317, 318.  
House Jour-  
nal, pp. 150, 151.

A PETITION of Stephen Farnsworth a Soldier in the Service of this Province. Praying for some Allowance from this Court, in Consideration of his Losses & Sufferings occasioned by his being taken Captive by the Indians.

Read and

*Ordered* that the Treasurer be directed to pay to Mr W<sup>m</sup> Hardy twenty one pounds ten Shillings out of the Treasury for the Use of the Pet<sup>r</sup>. And that the Commissary Gen<sup>l</sup> be directed to deliver said Hardy a good Gun out of the Province Store for the Use of sd Farnworth. [Passed January 26.

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is January 25.

## CHAPTER 210.

ORDER ALLOWING £22 AND A GUN TO JN<sup>O</sup> SPAFFORD.

A PETITION of John Spafford a Soldier in the Service of the Province, praying for some Allowance from this Court in Consideration of his Losses & Suffering by means of his being taken Captive by the Indian Enemy.

Read and

*Ordered* that the Treasurer be directed to pay to M<sup>r</sup> Benjamin Porter for the Use of the Pet<sup>r</sup> Twenty two pounds out of the Treasury And that the Commissary Gen<sup>t</sup> be directed to deliver s<sup>d</sup> Porter a good Gun out of the Province Store for the s<sup>d</sup> Pet<sup>r</sup>s Use.

[Passed January 26.]

Legislative Records of the Council, xviii., 449. Mass. Archives, lxxiii., 314.

Mass. Archives, lxxiii., 314. House Jour. nal, pp. 68, 150.

## CHAPTER 211.

## ORDER ALLOWING £21 TO ROBERT MOFFETT.

[PETITION of Robert Moffett for relief on the ground that he was taken and held in captivity by the Indians from May 5, 1746 till August 16, 1747.]

Mass. Archives, lxxiii., 319.

Read and

*Ordered* that the Treasurer be directed to pay to M<sup>r</sup> William Hardy Twenty One pounds out of the Treasury for the Use of the Pet<sup>r</sup>. [Passed January 26.]

Mass. Archives, lxxiii., 319, 320. House Jour. nal, pp. 150.

## CHAPTER 212.

## ORDER ALLOWING £43. 13. 1½ AND VOTE GRANTING A FURTHER AMOUNT OF £65 TO ROBT BALL.

A PETITION of Robert Ball Keeper of the Light House or Beacon, Shewing the Insufficiency of his Salary for his Support, & praying for Enlargement of it, as also for allowing his Accomp<sup>t</sup> of Fire Wood expended in the Light House for keeping the Oil in the Lamp from Congealing.

Legislative Records of the Council, xviii., 450. Mass. Archives, ixiv., 331.

Read and

*Ordered* that the Sum of forty three pounds thirteen Shillings one penny half penny be allowed out of the Treasury to the Pet<sup>r</sup> to pay for fire wood.

Mass. Archives, ixiv., 330.

House Jour. nal, pp. 146, 151.

*Voted* also that the Pet<sup>r</sup> be allowed Sixty five pounds for his Service the last Year, ending Nov<sup>r</sup> 8. 1748. [Passed January 27.]

## CHAPTER 213.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE PET<sup>N</sup>  
OF JOSEPH & ABIGAIL JENKINS.

Legislative  
Records of the  
Council, xviii.,  
447, 451.  
House Jour-  
nal, pp. 146, 152.

A PETITION of Joseph Jenkins & Abigail his Wife (Daughter of Lemuel Little Dec<sup>d</sup> & his only surviving Child) shewing that the said Lemuel in his Life Time mortgaged to the Commission<sup>rs</sup> of the £100,000 Loan, for the County of Essex for the Sum of £200, taken up of them, several Parcels of Land in Rochester, That the Commission<sup>rs</sup> have sued out the Mortgage, recovered & sold the Lands & lodged the Produce thereof in the Treasury; Praying that the Petition<sup>rs</sup> may be allowed out of it what the Land produced above the Sum which the said Lemuel rec<sup>d</sup> of said Commissioners.

The Committee appointed to consider the Petition of Joseph Jenkins & Abigail his Wife report that the Prayer of the Petition be so far granted, as that no Interest on the Judgment obtained in behalf of the Province in March 1724. be required after the Expiration of the Time for redeeming the Lands mentioned in the Petition; And that the Overplus of the Sale be returned to the Petitioner      Which is Submitted, p Order of the Comm<sup>tee</sup>

JOHN QUINCY.

Read &

Ordered that this Report be Accepted. [Passed January 30.

## CHAPTER 214.

Legislative  
Records of the  
Council, xviii.,  
453. Mass.  
Archives,  
lxviii., 328.  
House Jour-  
nal, p. 154.

ORDER DIRECTING THE COMMISSARY GENERAL TO DELIVER A GUN  
TO JOEL JOHNSON.

Ordered that the Commissary Gen<sup>l</sup> be directed to deliver to Joel Johnson or Order a good Gun out of the Province Store in Lieu of One Lost in the Service of the Province. [Passed January 30.<sup>1</sup>

## CHAPTER 215.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE SUTTON  
PET<sup>N</sup> IN REGARD TO BOUNDARY.

Legislative  
Records of the  
Council, xviii.,  
342, 448. Mass.  
Archives,  
lxvi., 186.  
Mass.  
Archives,  
lxvi., 184, 185.  
Legislative  
Records of the  
Council, xviii.,  
350, 455. House  
Journal, pp. 24,

A PETITION of Robert Goddard & John Hazelton in behalf of the Proprietors of the Town of Sutton, Shewing that by reason of a Mistake made in the Plat of their Township, which was Accepted by the General Court, whereby Five hundred Acres of their true Grant was left out, they have met with great Trouble, by the Intrusions of some of their Neighbours, praying that they may be heard by a Committee of this Court, in order to have the s<sup>d</sup> Mistake rectified.

The Committee to whom was refer'd the within Petition, having duly consider'd thereof, are of Opinion, that the West Bounds of

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is January 31.

the said Town of Sutton at & near the Southwesterly Corner thereof, was always intended & understood to be as follows; viz,

28, 96, 155.  
Province  
Laws, ix., 408,  
chap. 66.

Beginning at the Southeasterly corner of a Farm called Collins's Farm, & from thence a streight Line to a Maple Tree which is the Northeasterly Corner of Leland's Farm, at the running out of Manchang Pond, & thence by mark'd Trees on the East Side of said Farm, the Line to extend South five Deg<sup>s</sup> East to a Heap of Stones in the Line of the District of Douglas, which is the South Easterly Corner of said Farm, & the South westerly Corner of said Town, & that the same be & continue to be the Bounds of Sutton.

All which is humbly submitted per Order

SAM<sup>L</sup> WATTS

Read &

*Ordered* that this Report be & hereby is Accepted, And the West Bound of the Town of Sutton is continued & established Accordingly. [Passed January 30.<sup>1</sup>

## CHAPTER 216.

ORDER IMPOWERING THE JUSTICES OF THE PEACE FOR THE COUNTY OF PLYMOUTH TO RECONSIDER A DECISION ON THE PETITION OF SCITUATE AND OTHER TOWNS IN REGARD TO BUILDING A NEW COURT HOUSE.

A PETITION of divers Persons Agents for the Towns of Scituate, Bridgewater, Plimton, Pembroke, Hanover, Abington & Marshfield, shewing that the Justices of said County have in their General Sessions of the Peace, Ordered the Building a new Court House in the Town of Plimouth, & have laid a very heavy Tax on the County to defrey y<sup>t</sup> Charge; And for as much as the said Town of Plimouth is in a Corner of the said County & Pembroke in the Center, Praying that all Proceedings for building a Court House in Plymouth may be stopt & Pembroke made the Shire Town.

Legislative  
Records of the  
Council, xviii.,  
452. Mass.  
Archives, xlii.,  
774.

Mass.  
Archives, xlii.,  
775. House  
Journal,  
pp. 150, 156.

Read & In Answer to this Petition,

*Ordered* that the Justices of the Peace within & for the County of Plimonth at their next Sessions on the first Tuesday of March next, be & hereby are impowered to reconsider their Vote relating to the Building of a Court House at Plimouth, & Act therein as to proceeding in building s<sup>d</sup> House, or putting a Stop to the same, & the Money ordered to be raised therefor, as they shall Judge best, they taking Care to indemnify their Agents who have acted in Consequence of their Vote, & that the Clerk of s<sup>d</sup> Court of Sessions seasonably notifie all the Justices of s<sup>d</sup> Court to be present at s<sup>d</sup> Sessions if they see Cause. [Passed January 31.

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is February 1.

## CHAPTER 217.

## ORDER FOR YE SECRETARY'S RECORDING ALL PUBLICK LETTERS &amp;c.

Legislative Records of the Council, xviii., 452. Mass. Archives, lxxxviii., 411. House Journal, p. 155.

*Ordered* that the Secry be directed to Cause all publick Letters to and from the Conrt, Instructions, Addresses Memorials, and other publick papers not usually recorded in the Genl Court's Books, to be inserted in a seperate Book for the Use of the Court. [Passed January 31.]

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## CHAPTER 218.

Legislative Records of the Council, xviii., 452. Mass. Archives, xlix., 245.

House Journal, p. 152. Ante, p. 175, chap. 91.

## VOTE ALLOWING 2, 6 P DIEM TO YE CLERK OF THE HOUSE DURING THE PRESENT SITTING OF THE COURT.

*Voted* that the Clerk of the House be allowed out of the publick Treasury Two Shillings and Six pence per Diem from the beginning of the present Sitting, and during the Sitting of the Court, the present Year, over and above His Usual Grant. [Passed January 31.]

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## CHAPTER 219.

ORDER IMPOWERING THE PROVINCE TREAS<sup>R</sup> TO DEMAND AND RECEIVE THE PROVINCE PART OF SEIZURES.

Legislative Records of the Council, xviii., 453. Mass. Archives, cii., 414.

House Journal, p. 155. Ante, p. 200, chap. 165.

*Ordered* that when and so often as any Seizure be made, part of the forfieture whereof is determined by Law to belong to this Government.

The Province Treasurer for the time being be and hereby is authorized to demand, recieve, and give a discharge for the Same. [Passed January 31.]

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## CHAPTER 220.

ORDER REFERRING YE REPORT UPON THE PET<sup>N</sup> OF THE S<sup>TH</sup> PART OF CAMBRIDGE.

Legislative Records of the Council, xviii., 454.

Mass. Archives, exy., 437—439. Legislative Records of the Council, xviii., 451. House Journal, pp. 153, 154. Ante, p. 493, chap. 146.

ON THE REPORT upon the Petition of the Southern Inhabitants of the Town of Cambridge, [ante, p. 193, chap. 146]

Read &

*Ordered* that the further Consideration of this Report be referr'd to the first Thursday of the next Sitting of this Court, & that in the mean Time the Petitioners be subjected to the Taxes of the first Parish in Cambridge, the Vote of this Court of the 23<sup>d</sup> of November last notwithstanding; saving only that the Petitioners be freed from their Proportion of the Support of the Ministry during the Winter Season, agreeable to the Vote of said Parish. [Passed January 31.<sup>1</sup>

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is February 1.

## CHAPTER 221.

VOTE FOR PRINTING THE ACT FOR DRAWING IN YE BILLS OF CREDIT &amp;c.

*Voted* that the Secretary take care that the Act lately pass'd this Court for drawing in the Bills of Credit &c. be printed separately & that a Number of Copys be taken off as soon as may be sufficient to furnish One for each Member of the Court & One for each Town in the province. [Passed February 1.]

Legislative  
Records of the  
Council, xviii.,  
451. Mass.  
Archives, cii.,  
413.

House Jour-  
nal, p. 153.  
Province  
Laws, iii., 376,  
chap. 13.

## CHAPTER 222.

ORDER DIRECTING £2,000 IN BILLS OF CREDIT TO BE STRUCK OFF.

*Ordered* that the Comm<sup>e</sup> for Signing Bills of Credit be directed to Cause to be Struck off from the Middle plate Two thousand pounds and deliver the same to the Treasurer as soon as may be. [Passed February 1.]

Legislative  
Records of the  
Council, xviii.,  
453. Mass.  
Archives, cii.,  
415.

House Jour-  
nal, p. 156.  
Province  
Laws, xiii., 609,  
chap. 47; 643,  
chap. 148.

## CHAPTER 223.

ORDER IMPOWERING GEO. &amp; ROBT HEWES TO SERVE WRITS OF REVIEW ON NATHANIEL CUNNINGHAM, ADMINISTRATOR.

A PETITION of George & Robert Hewes, shewing that by reason of Nathanael Cunningham's Death the Power they obtained to prosecute a Writt of Reveiw against him is become ineffectual without the further Aid of the Court, And therefore Praying that they may be enabled to renew their Suit against his Administrator Nathanael Cunningham.

Read and

*Ordered* that the Prayer of the Pet<sup>rs</sup> be granted. And as the Writs of Review which by Order of this Court were Served on Jacob Hol-yoke Attorney to M<sup>r</sup> Nath<sup>l</sup> Cunningham Dec'd fails by reason of the said Cunningham's Death

*Ordered* that the Pet<sup>rs</sup> be and they hereby are Impowered and Enabled to Cause their Writs of Review to be Served on Nathaniel Cunningham Adm<sup>r</sup> on the Estate of said Dec'd.

So that they may proceed on the Actions mentioned pursuant to said former Order. [Passed February 1.]

Legislative  
Records of the  
Council, xviii.,  
454. Mass.  
Archives, xlii.,  
806.

House Jour-  
nal, p. 94 (Nov.,  
1742); pp. 102,  
112, 116 (Dec.,  
1742); pp. 51,  
52, 72 (Jan.,  
1743); pp. 149,  
163 (Feb.,  
1743); pp. 188,  
201, 202  
(March, 1743);  
pp. 48, 66  
(1744); pp. 223,  
235 (April,  
1746); p. 174  
(Nov., 1746);  
p. 225 (Jan.,  
1746); p. 309  
(April, 1747);  
pp. 229, 247,  
248 (Mavch.,  
1747); pp. 156,  
157 (1748).

Legislative  
Records of the  
Council,  
xvii. (3), 519,  
542. Province  
Laws, xiii., 316,  
chap. 198; 347,  
chap. 279; 571,  
chap. 285.  
*Ante*, p. 150,  
chap. 22.

## CHAPTER 224.

ORDER IMPOWERING ZACH. AND LIDIA NOWELL AND THOMAS GOUGE, GUARDIAN, TO SELL REAL ESTATE.

A PETITION of Zachariah Nowell & Lidia Nowell, Children of George Nowell late of Boston Dec<sup>d</sup> & Thomas Gouge Gaurdian to

Legislative  
Records of the  
Council, xviii.,

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is January 28.

454. Mass.  
Archives,  
xviii., 391.

Mass.  
Archives,  
xviii., 390.  
House Jour-  
nal, pp. 116, 152.

two of his Grand Children Praying that they may be [impowered] notwithstanding the Minority of some of the heirs, to make Sale of a House & Land in Boston, belonging to the Estate of the Dec'd it being under Mortgage, & the House much out of Repair, The Money belonging to the Minors to be secured for their Use.

Read and

*Ordered* that the Prayer of the Pe<sup>tn</sup> be granted, Provided the Pet<sup>rs</sup> give sufficient Caution to the Judge of Probate for the County of Suffolk to apply the Proceeds of the sale according to Law. [Passed February 1.

## CHAPTER 225.

### ORDER ALLOWING 32/ TO EBEN<sup>R</sup> LEWIS.

Legislative  
Records of the  
Council, xviii.,  
455. Mass.  
Archives,  
lxxiii., 324.

Mass.  
Archives,  
lxxiii., 322.  
House Jour-  
nal, p. 157.

A PETITION of Ebenezer Lewis a Soldier in the publick Service shewing that being upon his Duty on the Western Frontiers he was taken sick, & put to Charge for Medicines & Nursings; Praying that he may be allowed the said Charge out of the publick Treasury.

Read and

*Ordered* that the Treasurer be directed to pay thirty two Shillings being 2/ 6<sup>d</sup> per Week for Nursing &c to Cap<sup>r</sup> Thomas Eaton for the Pet<sup>r's</sup> Use in consideration of his Sickness mentioned. [Passed February 1.

## CHAPTER 226.

### VOTE WITH STAY OF EXECUTION ACCEPTING THE REPORT OF THE COMMITTEE ON THE PETITION OF W<sup>M</sup> COLLINGS, TO RECTIFY A MISTAKE.

Legislative  
Records of the  
Council, xviii.,  
453, 455. Mass.  
Archives, xlii.,  
735.

Mass.  
Archives, xlii.,  
793-801. House  
Journal,  
pp. 152, 156, 157.

A PETITION of William Collings in behalf of John Floyd & Sarah his Wife, Shewing that in a Cause in the Inferior Court for the County of Suffolk between them & Ellis Bennett as Attorney to John Bennett of London, the Cause being submitted to a Rule of Court, & the Referees making Report thereon by Mistake omitted an Article of Credit for the Petitioners; Therefore praying that the said Report may be returned to the Inferior Court for Amendm<sup>t</sup> of the said Report, & Execution stayed in the mean Time.

The Committee appointed to Consider the Petition of William Collings annexed have heard the Respondent Ellis Bennet together with the Referees in the Case mentioned in said Petition, & are of Opinion that the Prayer thereof be so far granted, as that the Referees be impowered to rectify any Mistake in their former Award by giving in One anew, And that the Justices of the Inferior Court within & for the County of Suffolk be directed and as fully impowered in their present Session, to receive such new Award, & make up Judgment, as thô no other Award had been given; And that Execution be stayed in the mean Time.

JACOB WENDELL by Order.

Read & Accepted. [Passed February 1.

## CHAPTER 227.

ORDER DIRECTING THE PAYMENT TO PATIENCE WAMPAM, INDIAN, OF WAGES DUE HER HUSBAND.

A PETITION of Patience Wampam Indian, praying that she may be allowed the Wages due to her dec<sup>d</sup> Husband, for his Service in the Expedition ag<sup>st</sup> Cape Breton.

Read &

*Ordered* that the Committee of War be directed to pay to the Petitioner, or her Order, what Wages were due to her dec<sup>d</sup> Husband, The Value of the Gun he received out of the Province Store being first deducted. [Passed February 1.]

Legislative Records of the Council, xviii., 455.

House Journal, pp. 118, 122. Province Laws, xiii., 465, chap. 1.

## CHAPTER 228.

VOTE ACCEPTING THE REPORT OF YE COMTEE FOR FARMING THE EXCISE IN YE C<sup>O</sup> OF MIDDLESEX.

Legislative Records of the Council, xviii., 488.

THE REPORT<sup>1</sup> of the Committee for letting out the Excise in the County of Middlesex was Accepted by both Houses & Consented to by the Governour. [Passed February 1.]

House Journal, pp. 61, 79. Ante, p. 161, chap. 53.

## CHAPTER 229.

VOTE ACCEPTING THE REPORT OF YE COMTEE FOR FARMING THE EXCISE IN YE C<sup>O</sup> OF NANTUCKET.

Legislative Records of the Council, xviii., 488.

THE REPORT<sup>1</sup> of the Committee for letting out the Excise in the County of Nantucket was Accepted by both Houses & Consented to by the Governour. [Passed February 1.<sup>2</sup>]

House Journal, p. 61. Ante, p. 161, chap. 53.

## CHAPTER 230.

ORDER DIRECTING THE COMMISSARY GENERAL TO DELIVER TO NATH<sup>L</sup> RICHARDSON AND SAMUEL BROWN EACH A GUN.

A PETITION of Nathanael Richardson & Samuel Brown, praying for an Allowance for the Guns which were lost by each of their Sons, when they were slain by the Indian Enemy in the Service of the Province.

Read and

*Ordered* that the Commissary General be directed to deliver to each one of the Pet<sup>rs</sup> a Gun out of the Province Store in answer to this Pet<sup>n.</sup><sup>3</sup> [Passed April 6.]

Legislative Records of the Council, xviii., 457. Mass. Archives, lxxiii., 376.

Mass. Archives, lxxiii., 376. House Journal, p. 159.

<sup>1</sup> No report has been found.

<sup>2</sup> Adjourned to April 5. See Legislative Records of the Council, xviii., 489.

<sup>3</sup> The House Journal, p. 159, and Mass. Archives, lxxiii., 376, adds the name of Samuel Frost to the above petitioners.

## CHAPTER 231.

## ORDER GRANTING TO SAMUEL BALDWIN LICENCE TO KEEP A TAVERN.

Legislative Records of the Council, xviii., 457. Mass. Archives, cxii., 161.

Mass. Archives, exi., 160. House Journal, p. 159.

A PETITION of Samuel Baldwin of Weston, praying Liberty to keep an Inn or Tavern at Weston in the House of M<sup>r</sup>s Sibil Woolson, the only licenced House in said Town, he being approbated by the Select men of said Town.

Read and

*Ordered* that the Justices of the Gen<sup>l</sup> Sessions of the Peace for the County of Middlesex be allowed if they See cause at their adjournment on the 11<sup>th</sup> Curr<sup>t</sup> (It appearing that the Pet<sup>r</sup> is approbated by the Select men of Weston) to grant the Pet<sup>r</sup> a Licence to keep a House of publick Entertainment, the time for granting Licences being elapsed notwithstanding. [Passed April 6.]

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## CHAPTER 232.

## ORDER DIRECTING THE PAYMENT OF THE WAGES OF ZACH. BLODGET TO HIS FAMILY.

Legislative Records of the Council, xviii., 457. Mass. Archives, Ixxiii., 403.

Mass. Archives, Ixxiii., 404, 405. House Journal, p. 162.

INASMUCH as Zacheus Blogget a Soldier in the Service of the Province was slain by the Indian Enemy the last Summer, and He having left no other Estate than the Wages due from the Province Therefore

*Ordered* that the Treasurer be directed to Pay s<sup>d</sup> Wages to Cap<sup>t</sup> Sam<sup>l</sup> Chamberlayne to be by him paid among the Brethren and Sisters of the Dee'd according to Law. [Passed April 7.]

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## CHAPTER 233.

## ORDER DIRECTING THE PAYMENT OF THE WAGES OF HENRY CHANDLER TO HIS FATHER.

Legislative Records of the Council, xviii., 458. Mass. Archives, Ixxiii., 402. House Journal, p. 162.

*Ordered* that the Treasurer be directed to pay the Wages due to Henry Chandler, who was kill'd in the Service of the Province at the Ashuelots, to His Father William Chandler. He accounting with any Adm<sup>r</sup> that may be app<sup>ted</sup> upon the Estate of the Deceas'd. [Passed April 7.]

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## CHAPTER 234.

## ORDER ALLOWING £16. 5 TO DAVID WARREN.

Legislative Records of the Council, xviii., 458. Mass. Archives, Ixxiii., 400.

Mass. Archives,

A PETITION of David Warren, praying for an Allowance from this Court in Consideration of his Losses & Sufferings by means of his Captivity among the French & Indians when Fort Massachusetts was taken & burnt by them.

Read and

*Ordered* that the Province Treasurer be directed to Pay the Pet<sup>r</sup> <sup>lxxiii., 400.</sup> House Jour. Sixteen pounds five Shillings out of the appropriation for paying <sup>nal, pp. 159, 162.</sup> Musterrolls in full consideration for his Services and Sufferings within mentioned. [Passed April 7.]

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## CHAPTER 235.

### ORDER ALLOWING £3. 15 TO ROBT SEVER.

A PETITION of Robert Sever, praying that he may be allowed the Sum of three Pounds fifteen Shillings in Consideration of Bills of this Province of that Value being destroyed when his House was burnt.

Read and

*Ordered* that the Treasurer be directed to deliver to Joseph Buckminster Esq<sup>r</sup> the Sum of three pounds fifteen Shillings to be paid to the Pet<sup>r</sup> in answer to the within written Pet<sup>n</sup>. [Passed April 7.]

Legislative Records of the Council, xviii., 458. Mass. Archives, lxxxvii., 48.

Mass. Archives, lxxxvii., 47. House Journal, pp. 159, 162.

## CHAPTER 236.

### RESOLVE CONSTRUING Y<sup>E</sup> LAW ABT RATEABLE ESTATES.

WHEREAS a Doubt arises upon the Construction of the following Words in the Act for enquiring into the rateable Estate of the Province Viz<sup>t</sup> “all rateable Estates both real and personal within their respective Towns.”<sup>1</sup>

*Resolved* that it is intended that an Account shall be given in of the whole personal Estate belonging to any Inhab<sup>ts</sup> of any Town, unto the assessors of said Town although at the time of taking the valuation, such personal Estate may not actually be within the bounds or Limits of such Town. [Passed April 8.]

Legislative Records of the Council, xviii., 459. Mass. Archives, ch. 419.

House Journal, p. 163. Province Laws, iii., 425, chap. 11.

## CHAPTER 237.

### ORDER ALLOWING £12. 12. 11 TO JN<sup>O</sup> BREWER.

*Ordered* that the Treasurer be directed to pay to John Brewer or Order the Sum of Twelve pounds twelve Shillings & eleven pence in Order to make up the Deficiency in the Sum granted to him for eighty five Weeks & two Days billeting Canada Soldiers, as pass'd the ninth of April last. [Passed April 8.]

Legislative Records of the Council, xviii., 459.

House Journal, p. 259 (April, 1748); p. 161.

<sup>1</sup> The words quoted are underlined in Mass. Archives.

## CHAPTER 238.

ORDER GRANTING TO WILL<sup>M</sup> BRIANT, JUN<sup>E</sup>, LICENCE TO KEEP AN INN.

Legislative  
Records of the  
Council, xviii.,  
459. Mass.  
Archives, exi.,  
165.

Mass.  
Archives, exi.,  
164. House  
Journal, p. 163.

A PETITION of William Briant Jun<sup>r</sup> of Reading Innholder; Praying that the Justices of the Peace for the County of Middlesex may be impowered to licence him to keep a Tavern in an other House about ten Rods distant.

Read and

*Ordered* that the Justices of the General Sessions of the Peace for the County of Middlesex be allowed and impowered to grant the Pet<sup>r</sup> a Licence to be an Inholder in the House within mentioned at their Adjournment on the 11<sup>th</sup> Curr<sup>t</sup> (if they See cause) the time for granting Licences being elapsed notwithstanding. [Passed April 8.

## CHAPTER 239.

## ORDER ACCEPTING THE REPORT OF YE COMMTEE ON YE PETITION OF WRENTHAM, BELLINGHAM, &amp;c.

Legislative  
Records of the  
Council, xviii.,  
461.

Legislative  
Records of the  
Council, xviii.,  
397. House  
Journal,  
p. 270 (April,  
1748); pp. 12,  
44, 77, 119, 125,  
126, 167. *Ante*,  
p. 159, chap. 46.

JAMES MINOTT Esq<sup>R</sup> from the Committee on the Petition of Wrentham & Bellingham Inhabitants &c. gave in the following Report; vizt

The Committee to whom was recommitted the Affair of the new Precinct made out of Medway, Holliston, Bellingham & the Westerly Precinct in Wrentham, having again met & considered the same, are of Opinion, y<sup>t</sup> thrō the Mnltiplicity of Difficulties, which attended that Affair, there was a Mistake made, in Including in the New Precinct, Eleazar Fisher & his Lands & the Lands of Ezra Pond, & George Demings Land lying in Hollistōn, as also the Land of John Goldsbury, which we think ought to be excluded out of the new Precinct.

All which is humbly submitted                    JAMES MINOTT p Order

Read &

*Ordered* that this Report be Accepted, & the Persons & Estates mention'd in the Report are excluded from said Precinct accordingly. [Passed April 10.

## CHAPTER 240.

## ORDER GRANTING TO BENJA JOHNSON LICENCE TO KEEP A TAVERN.

Legislative  
Records of the  
Council, xviii.,  
492. Mass.  
Archives, exi.,  
167.

Mass.  
Archives, exi.,  
166. House  
Journal, p. 168.

A PETITION of Benjamin Johnson of Woburn Shewing that he is removed into a House in said Town that was lately Cap<sup>r</sup> Nathanael Blodget's which has been used as a Tavern for ten Years past, Therefore praying that the Justices of the Peace for the Connty of Middlesex may be impowered to grant him a Licence to keep a Tavern in said House.

Read and

*Ordered* that the Justices of the General Sessions of the Peace for the County of Middlesex be allowed and impouered at their Sitting on the 11<sup>th</sup> Curr<sup>t</sup> to grant the Pet<sup>r</sup> a Licence to keep a

house of publick Entertainment if they See cause. (He first Obtaining the approbation of the Select Men of the Town of Woburn) the time for granting Licences being elapsed notwithstanding. [Passed April 10.<sup>1</sup>

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## CHAPTER 241.

### ORDER GRANTING TO CRISP BRADBURY LICENCE TO KEEP A TAVERN.

A PETITION of Crisp Bradbury of Haverhill, Praying this Court to impower the Justices of the Peace in the County of Essex to grant him a Licence to keep a Tavern in a House lately Joseph Dows in said Town, now a Tavern.

Legislative Records of the Council, xviii., 459. Mass. Archives, exi., 163.

Read and

*Ordered* that the Justices of the Gen<sup>l</sup> Sessions of the Peace for the County of Essex be allowed and impowered at the Adjournmt of their session in May next to grant the Pet<sup>r</sup> a Licence if they see cause. the time for granting Licences being elapsed notwithstanding. [Passed April 11.<sup>2</sup>

Mass. Archives, cxii., 162. House Journal, p. 168.

## CHAPTER 242.

### ORDER TRANSFERRING £1,100 FROM THE APPROPRIATION FOR GRANTS TO THE APPROPRIATIONS FOR THE PAYMENT OF DEBTS WHERE THERE IS NO ESTABLISHMENT AND FOR CONTINGENCIES.

*Ordered* that the Sum of One thousand Ponnds be taken from the Appropriation of £18,000 for Grants & carried to the Appropriation of £3,000 for Payment of Debts where there is no Establishm<sup>t</sup>

Legislative Records of the Council, xviii., 461.

*Ordered* also that the Sum of One hundred Pounds be taken from the said Sum of £18,000 & carried to the Appropriation for Contingencies. [Passed April 11.

House Journal, p. 170. Province Laws, iii., 409, chap. 3.

## CHAPTER 243.

### ORDER DIRECTING THE COMMISSARY GENERAL TO DELIVER A GUN TO EPH<sup>M</sup> ALLEN.

A PETITION of Ephraim Allen praying to be allowed for a Gun which was lost when his Son Elijah Allen was killed by the Indian Enemy while he was in the Service of the Province

Legislative Records of the Council, xviii., 461. Mass. Archives, lxxiii., 340.

Read and

*Ordered* that the Commissary Gen<sup>l</sup> be direeted to deliver the Pet<sup>r</sup> a good gun out of the Province Store. [Passed April 11.

House Journal, pp. 159, 168.

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is April 11.

<sup>2</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is April 8.

## CHAPTER 244.

## ORDER ALLOWING £21. 10 TO ISAAC PARKER.

Legislative  
Records of the  
Council, xviii.,  
462. Mass.  
Archives,  
Ixxiii., 377.

Mass.  
Archives,  
Ixxiii., 378.  
House Jour-  
nal, pp. 159, 169.  
*Ante*, p. 91,  
chap. 225.

A PETITION of Isaac Parker, praying for some Allowance from this Court in Consideration of his Losses & Sufferings by means of his being taken Prisoner by the Indian Enemy while in the Service of this Province.

Read and

*Ordered* that the Treasurer be directed to Pay the Pet<sup>r</sup> twenty one pounds ten Shill<sup>gs</sup> in consideration of his Services and sufferings abovementioned. [Passed April 11.]

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## CHAPTER 245.

## ORDER ALLOWING £10 TO JABEZ SWETT.

Legislative  
Records of the  
Council, xviii.,  
462. Mass.  
Archives,  
Ixxiii., 383.

Mass.  
Archives,  
Ixxiii., 383.  
House Jour-  
nal, pp. 161, 169.

A PETITION of Jabez Swett of Ipswich setting forth his Services & Sufferings in divers Indian & French Wars, & his present helpless & infirm State, & therefore praying for some Releif from this Court.

Read and

*Ordered* that the Treasurer be directed to Pay to John Choate Esq<sup>r</sup> ten pounds for the Use of the Pet<sup>r</sup> in consideration of his services and Sufferings within mentioned. [Passed April 11.]

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## CHAPTER 246.

ORDER ALLOWING £10 TO ROB<sup>T</sup> COOPER.

Legislative  
Records of the  
Council, xviii.,  
462. Mass.  
Archives,  
Ixxiii., 369.

Mass.  
Archives,  
Ixxiii., 365, 370.  
House Jour-  
nal, p. 169.

A PETITION of Robert Cooper, setting forth his Services & Sufferings in divers Wars with the Indian Enemy, & being by that means disabled from Labour, & reduced to Poverty, praying for some Relief from this Court.

Read and

*Ordered* that the Treasurer be directed to pay to Israel Williams Esq<sup>r</sup> ten pounds for the Use of the Pet<sup>r</sup> in consideration of his Services and Sufferings within mentioned. [Passed April 11.]

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## CHAPTER 247.

ORDER ALLOWING £5 TO JAM<sup>S</sup> PIERCE.

Legislative  
Records of the  
Council, xviii.,  
463. Mass.  
Archives,  
Ixxiii., 412.

House Jour-  
nal, pp. 74, 79,  
172.

*Ordered* that the Treasurer be directed to pay to Cap<sup>t</sup> John Gardner five pounds for the Use of James Pierce a Soldier in the late Expedition ag<sup>t</sup> Cape Breton. [Passed April 13.]

## CHAPTER 248.

ORDER IMPOWERING THE TOWN OF BRADFORD TO EXECUTE A DEED.

A PETITION of William Hardy in the Name of the Town of Bradford & Jonathan Chadwick of said Place, with the Consent & at the request of the Minister of the said Town, praying that the said Town may be impowered to exchange six Acres of the Ministry Land for so much of the Land belonging to the said Chadwick, which is much more commodions for the Ministry

Read &amp;

*Orderd* that the prayer of the petition be granted & that the Town of Bradford be & they are hereby impower'd to execute a good & sufficient deed of Conveyance of the Six Acres of Land referrd to in this petition to the said Joseph Chadwick & his Heirs in exchange for Six Acres of said Chadwicks Land the said Six Acres to be & remain appropriated to the same Use to which the Six Acres convey'd to said Chadwick stood appropriated. [Passed April 13.]

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Legislative Records of the Council, xviii., 463 Mass. Archives, xii., 616-619. House Journal, p. 172.

## CHAPTER 249.

ORDER ALLOWING £5. 10 TO JOSEPH GRAVES.

A PETITION of Joseph Graves praying that he may be allowed Pay for his Service as a Soldier which by reason of his being absent upon Lameness, when the Muster Roll was made up, He was not enter'd in said Roll.

Read and

*Ordered* that the Treasurer be directed to pay to Joseph Buckminster Esq<sup>r</sup> five pounds ten Shillings for the Use of the Pet<sup>r</sup> in full for his Service mentioned. [Passed April 13.]

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Legislative Records of the Council, xviii., 463. Mass. Archives, Ixiii., 287.

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Mass. Archives, Ixiii., 287. House Journal, pp. 170, 171.

## CHAPTER 250.

ORDER ALLOWING £42. 3. 6 TO ROBT WATT.

*Ordered* that the Committee of War be directed to pay Robert Watt the Sum of Forty two Pounds three shillings & six pence in full Discharge of his Accompt of Cloathing &c. [Passed April 13.]

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Legislative Records of the Council, xviii., 463.

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House Journal, pp. 164, 173.

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Province Laws, xiii., 596, chap. 8.

## CHAPTER 251.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF BRISTOL C<sup>o</sup>.

THE ACCOMPT of James Williams Esq<sup>r</sup> Treasurer of the County of Bristol for the Year 1747, having been laid before the Court of General Sessions of the Peace for the said County & by them allowed.

Read &amp;

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Legislative Records of the Council, xviii., 464.

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House Journal, pp. 11, 121, 169.

*Ordered* that the Ballance due to the within mentioned County, being Five pounds & three pence Old Tenor, the s<sup>d</sup> Treasurer be accountable to s<sup>d</sup> County for;

*Ordered* also that the said Treasurer be discharged from the Sum of Nine hundred & fifteen Pounds eighteen Shillings old Tenor Assessed on the several Towns now beyond the Line run by the Government of Rhode Island. [*Passed April 13.*

## CHAPTER 252.

### ORDER ALLOWING £10 TO MOSES WASHBURN.

Legislative  
Records of the  
Council, xviii,  
464. Mass.  
Archives,  
lxixiii., 361.

A PETITION of Moses Washburn, praying for some Allowance from this Court in Consideration of his Losses & Sufferings in his late Captivity, being taken by the Indians while he was in the Service of the Province

Read and

*Ordered* that the Treasurer be directed to pay to James Williams Esqr the Sum of ten pounds for the Use of the Pet<sup>r</sup> in consideration of his Services and Sufferings within mentioned. [*Passed April 13.*

## CHAPTER 253.

### ORDER ALLOWING £8. 10 TO MARK PERKINS AND A GUN.

Legislative  
Records of the  
Council, xviii,  
464.

House Jour-  
nal, pp. 159, 171.

A PETITION of Mark Perkins, Praying for some Allowance from this Court in Consideration of his Losses & Sufferings in his late Captivity, being taken Prisoner by the Indian Enemy while in the Service of this Province Read &

*Ordered* that the Treasurer be directed to pay the Petitioner Eight Pounds ten Shillings in Consideration of his Services & Sufferings;

*Ordered* also that the Commissary General be directed to deliver him a good Gun out of the Province Store. [*Passed April 13.*

## CHAPTER 254.

### ORDER ALLOWING £19. 11 TO THOS FLETCHER.

Legislative  
Records of the  
Council, xviii,  
464.

House Jour-  
nal, pp. 164, 171.

A PETITION of Ensign Thomas Fletcher, praying that he may be reimbursed out of the publick Treasury the Sum of Eighty Pounds Old Tenor, which he expended in the publick Service, when scouting on the Frontiers. Read &

*Ordered* that the Sum of Nineteen Pounds eleven Shillings be paid by the Treasurer to M<sup>r</sup> Ephraim Jones for the Use of the Petitioner in Consideration of his Expences mentioned. [*Passed April 13.*

## CHAPTER 255.

ORDER ALLOWING £15 TO JN<sup>O</sup> HENDERSON AND A GUN.

A PETITION of John Henderson, praying for some Allowance from this Court in Consideration of his Losses & Sufferings in his late Captivity, he being taken Prisoner by the Indian Enemy while in the Service of the Province

Legislative Records of the Council, xviii., 464. Mass. Archives, lxxiii., 407.

Read and

*Ordered* that the Treasurer be directed to pay to Cap<sup>t</sup> William Richardson the Sum of fifteen pounds for the Use of the Pet<sup>r</sup> in consideration of his Services and Sufferings within mentioned. And that the Commissary Gen<sup>l</sup> be directed to deliver him a good gun out of the Province Store. [Passed April 13.]

Mass. Archives, lxxiii., 406. House Journal, pp. 161, 162, 173.

## CHAPTER 256.

ORDER ALLOWING £22 TO SAM<sup>L</sup> HOVEY.

A PETITION of Samuel Hovey, setting forth his Services & Sufferings in the late Expedition against Cape Breton; & praying for some Allowance from this Court, in Consideration thereof.

Legislative Records of the Council, xviii., 464. Mass. Archives, lxxiii., 372.

Read and

*Ordered* that the Committee of War be directed to pay the Sum of twenty two pounds to Cap<sup>t</sup> Hobson for the Use of the Pet<sup>r</sup> in full satisfaction for his expences within mentioned. [Passed April 13.]

Mass. Archives, lxxiii., 371. House Journal, pp. 172, 173. Province Laws, xiii., 465, chap. 1.

## CHAPTER 257.

ORDER SUBSTITUTING M<sup>R</sup> WORLINGTON FOR CAP<sup>T</sup> RICHARDSON ON THE COMMITTEE FOR THE STOCKBRIDGE AFFAIR.

Legislative Records of the Council, xviii., 465.

*Ordered* that M<sup>r</sup> Worlington be of the Comm<sup>tee</sup><sup>1</sup> to repair to Stockbridge to settle the Division of Lands between the English & Indian Inhabitants &c. in the room of Cap<sup>t</sup> Richardson who desires to be excused from that Service. [Passed April 14.]

Mass. Archives, xxxi., 604—607. House Journal, pp. 71, 74, 174. Post, p. 272, chap. 24.

## CHAPTER 258.

ORDER ALLOWING £27. 2. 9 TO CAP<sup>T</sup> HUMPHRY HOBBS.

A PETITION of Cap<sup>t</sup> Humphry Hobbs, praying that he may be allowed the Charges contracted thrô his Sickness in Boston the last Winter, while he attended the Governour & Council for the passing of his Muster Rolls.

Legislative Records of the Council, xviii., 465. Mass. Archives, lxxiii., 392.

Read and

*Ordered* that the Treasurer be directed to pay the Pet<sup>r</sup> twenty seven pounds two shillings and Nine pence in consideration of his Expence abovementioned. [Passed April 14.]

House Journal, pp. 172, 175.

<sup>1</sup> The appointment of this committee appears in Mass. Archives, xxxi., 606.

## CHAPTER 259.

ORDER ALLOWING £2,125 TO YE COMM<sup>TEE</sup> OF WAR.

Legislative Records of the Council, xviii., 465. A PETITION of John Osborne Esq<sup>r</sup> in behalf of the Committee of War for the late Expedition against Cape Breton &c. setting forth their long, laborious & difficult Service, & Praying for a Recompence for the same.

Mass. Archives, lxxiii., 310—313. Read &

House Journal, pp. 143, 171, 173, 174 *bis.* Province Laws, xiii., 465, to be proportioned among said Committee according to their Services. [Passed April 14.]

## CHAPTER 260.

## ORDER ALLOWING £3. 3. 6 TO JOSEPH BATES.

Legislative Records of the Council, xviii., 465. Mass. Archives, lxxiii., 362. A PETITION of Joseph Bates a Soldier, praying that he may be allowed the Charges of his Sickness during his being in the publick Service

Read and

Mass. Archives, lxxiii., 362, 363. House Journal, pp. 159, 175. Ordered that the Treasurer be directed to Pay to Cap<sup>t</sup> Thomas Reed three pounds three shillings and Six pence for the Use of the Pet<sup>r</sup> in full consideration of his expences within mentioned. [Passed April 14.]

## CHAPTER 261.

## ORDER ALLOWING £6 TO THOS MELLEN.

Legislative Records of the Council, xviii., 465. Mass. Archives, lxxiii., 389. A PETITION of Thomas Mellen, Praying for an Allowance from this Court for the Charges he was at in the Sickness of his Servant John Crooks, while he was a Soldier & returned Home upon Furlow.

Read and

Mass. Archives, lxxiii., 390, 391. House Journal, pp. 171, 175. Ordered that the Treasurer be directed to Pay to Joseph Buckminster Esq<sup>r</sup> for the Use of the Pet<sup>r</sup> the Sum of Six pounds in answer to this Pet<sup>a</sup>. [Passed April 14.]

## CHAPTER 262.

ORDER CONTINUING DIVERS ESTATES TO YE 1<sup>ST</sup> PRECINCT IN MIDDLE-BORO.

Legislative Records of the Council, xviii., 466. Mass. Archives, xii., 578, 584. THE MEMORIOL of the first Precinct in Middleborro. Humbly Sheweth the List of Names file<sup>d</sup> by Ezra Clap & his Essasiates by order of this Hon<sup>ble</sup> Court as they say in the Seeretary office in Order to make them a Distinct & Sepa<sup>r</sup> Precinct<sup>1</sup> includes in it a Number<sup>1</sup> Both in Church & Precinct that Actually Voted with us

<sup>1</sup> MS. mutilated.

in the Settlement of mr Wild our Now Minnister as also mincers without the Consent of their Gardians which we Cant Conceive to be the Intention of this Hon<sup>ble</sup> Court and Likely to Occasion many Disputes & Controversies in the Law unless Prevented by this Hon<sup>ble</sup> Court Wherfore we Humbly Pray this Courts Determination Respecting the Premisses & your Petetin<sup>r</sup> shall. Ever Pray As in Duty Bound

Read, with the Answer of Ezra Clap Agent for the new Precinct in Middleborō; And whereas it appears that the taking of Aaron Simons & Gershom Cobb jun<sup>r</sup> into the List lodged in the Secretary's Office is not agreeable to the Order of this Court respecting that Affair, Therefore,

*Ordered* that the said Aaron Simons & Gershom Cobb jun<sup>r</sup> with their Estates be continued to the first Precinct in said Middleborough. [Passed April 14.

579–583. Legislative Records of the Council, xviii., 298, 395, 431, 445, 465. House Journal, pp. 207, 208, 211, 221 (1747–48); pp. 77, 116, 124, 145, 146, 175 *bis*. *Ante*, p. 98, chap. 251.

## CHAPTER 263.

### ORDER ALLOWING 16/ TO JOHN GREEN AND 17/ TO EZRA MERRECK.

A PETITION of John Green & Ezra Merrick; Praying to be allowed what is due to them for subsisting themselves in the Year, 1744, being then Soldiers in the Service of this Province.

Read and

*Ordered* that the Treasurer be directed to pay to Mr William Hardy Sixteen Shill<sup>gs</sup> to be repay'd to John Green and Seventeen Shill<sup>gs</sup> to be repay'd to Ezra Merreck within named They being paid Short those Sums when in the Service of the Province.<sup>1</sup> [Passed April 14.

Legislative Records of the Council, xviii., 466. Mass. Archives, lxxiii., 410.

Mass. Archives, lxxiii., 411.

## CHAPTER 264.

### ORDER ALLOWING £15 ANNUALLY DURING HIS LIFE AND A FURTHER SUM OF £15 TO JOB STANWOOD.

A PETITION of Job Stanwood a Soldier in the late Expedition against Cape Breton praying for some further Allowance from this Court in Consideration of the Loss of his Arm in that Service, & being disabled from Labour.

Read and

*Ordered* that the Sum of fifteen pounds new tenor Bills (or other Money equivalent thereto) be paid out of the publick Treasury Annually, to the within named Job Stanwood during his Life in consideration of his Sufferings in the late Expedition against Cape Breton And Inasmuch as the Pet<sup>r</sup> has had no allowance for the last year.

*Ordered* that the Treasurer be directed to Pay to Cap<sup>t</sup> James Davis for the Use of the Pet<sup>r</sup> the Sum of fifteen pounds. [Passed April 14.

Legislative Records of the Council, xviii., 466. Mass. Archives, lxxiii., 366.

Mass. Archives, lxxiii., 365. House Journal, pp. 22, 174. *Ante*, p. 114, chap. 256.

<sup>1</sup> Not found in the House Journal.

## CHAPTER 265.

ORDERS ERECTING YE PROPS<sup>RS</sup> OF YE NO<sup>O</sup> WEST PART OF RUTLAND INTO  
A SEPARATE DISTRICT AND CALLING A TOWN MEETING.

Legislative  
Records of the  
Council, xviii.,  
466. Mass.  
Archives, cxv.,  
456.

Mass.  
Archives, cxv.,  
453. House  
Journal,  
pp. 170, 175.

A PETITION of Thomas Prince & others a Committee of the Proprietors of the North Westerly Quarter of Rutland Township, praying that the same may be made a District & vested with the Powers & Priviledges which Towns by Law enjoy, And that the Lands may be taxed for the Support of the Ministry & other Purposes in said Petition mentioned

Read and

*Ordered* that the prayer of the Pet<sup>n</sup> be so far granted as that the Lands in the Northwesterly Quarter of the Township of Rutland described in said Petition and delineated in the plan presented therewith & the Inhabitants thereon, be erected into a separate district with full power to choose Town Officers, Grant & raise money from time to time to defrey the necessary charges arising upon said district & for managing the other Affairs relating to said District, settling a Minister, erecting a meeting house granting & making all needful Roads and highways together with all other Powers Priviledges and Immunities that Towns by Law enjoy, saving only the Priviledge of sending one or more Rep<sup>ves</sup> to the General Assembly, in lieu whereof there is hereby declared to be reserved to them the said Inhabitants all and every the Powers Rights and Priviledges of Joynin[g]<sup>1</sup> with the Town of Rutland in the choice of Rep<sup>ves</sup> and of being chosen to Represent said Town which by Law they now may or do enjoy and the said Town of Rutland are required to notify the said Northwest Quarter of all Meetings for the choice of Rep<sup>ves</sup> in like manner as they now by Law are required to Notify them. And it is further

*Ordered* that Thomas Tailor an Inhabitant of said Northwest Quarter be hereby impowered to call a meeting of said District for the choice of Officers for the present Year on the fifteenth of June next to be held in said place of which he is to give notice by posting up notification in some Publick place in said district seven days at least before the time for holding said meeting.

Also

*Ordered* that the Pet<sup>rs</sup> notify the Non-resident Proprietors of the Lands mentioned in said Petition by inserting the Substance of said Pet<sup>n</sup> so far as it relates to a Tax in the Boston Gazette or some other publick Prints three weeks successively that they shew cause if any they have on the second Friday of the next May Session why the Prayer thereof respecting a Tax should not be Granted. [Passed April 14.

## CHAPTER 266.

ORDER REFERRING THE PETITION OF THOS CHUTE AND OTHERS OF  
NEW MARBLEHEAD.

Legislative  
Records of the  
Council, xviii.,  
467. Mass.  
Archives,  
lxixii., 349.

A PETITION of Thomas Chute & others Inhabitants of the Township of New Marblehead, shewing that whereas they were allowed to have eighteen of the said Inhabitants to be in the Pay & Sub-

<sup>1</sup> MS. mutilated.

sistence of the Province, Cap<sup>t</sup> Daniel Hill (the Commander there) has discharged the said men (as he says) by Order of the Governour, & Praying that they may be restored to said Priviledge

Read and

*Ordered* that the consideration of this Pet<sup>n</sup> be refer'd till the next Sitting of this Court. [Passed April 14.]

Mass.  
Archives,  
lxixii., 348.  
House Jour-  
nal, pp. 168,  
176, 177.  
*Ante*, p. 108,  
chap. 273.  
*Infra*, chap.  
267.

## CHAPTER 267.

### ORDER REFERRING THE MEM<sup>O</sup> OF CPT DAN<sup>L</sup>. HILL IN REGARD TO HIS CONDUCT.

A MEMORIAL of Cap<sup>t</sup> Daniel Hill, shewing that he is informed that there are Complaints of his Conduct from the Inhabitants of New Marblehead & Gorham Town lying before this Court, and setting forth his Conduct as to the Matters complained of.

Read and

*Ordered* that the Consideration of this Memorial be refer'd till the next Sitting of this Court. And that the Commissary Gen<sup>l</sup> be directed to detain in his Office the next Muster roll of the Memorialist in the mean time. [Passed April 14.]

Legislative  
Records of the  
Council, xviii.,  
467. Mass.  
Archives,  
lxixii., 344.  
  
Mass.  
Archives,  
lxixii., 341.  
House Jour-  
nal, p. 177.  
*Supra*, chap.  
266. *Infra*,  
chap. 268.

## CHAPTER 268.

### ORDER REFERRING THE PETITION OF JOHN PHINNEY AND OTHERS OF GORHAMTOWN.

A PETITION of John Phinney & others Inhabitants of Gorham Town, shewing that whereas this Court had allowed Pay & Subsistence for fourteen Men of s<sup>d</sup> Place, Cap<sup>t</sup> Daniel Hills (the Commander there) has now discharged them, alledging the Order of the Governour for it; And therefore Praying that they may be restored to said Priviledge

Read and

*Ordered* that the consideration of this Pet<sup>n</sup> be refer'd till the next Sitting of this Court. [Passed April 14.]

Legislative  
Records of the  
Council, xviii.,  
467. Mass.  
Archives,  
lxixii., 350.  
  
House Jour-  
nal, pp. 168, 176,  
177. *Ante*,  
p. 108, chap.  
273. *Supra*,  
chap. 267.

## CHAPTER 269.

### ORDER ALLOWING £1. 5 TO THOS<sup>S</sup> BOLTON.

A PETITION of Thomas<sup>1</sup> Bolton, praying for some Allowance from this Court in Consideration of his Losses & Sufferings by means of his being taken Captive by the Indian Enemy while he was in the Service of this Province

Legislative  
Records of the  
Council, xviii.,  
468. Mass.  
Archives,  
lxixii., 381.

Read and

*Ordered* that the Treasurer be directed to pay to Jeremiah Powell Esqr<sup>r</sup> the Sum of One pound five Shillings for the Use of the Pet<sup>r</sup> in answer to this Pet<sup>n</sup>. [Passed April 15.]

Mass.  
Archives,  
lxixii., 381.  
House Jour-  
nal, p. 178.

<sup>1</sup> “William,” in the House Journal, p. 178.

## CHAPTER 270.

ORDER IMPOWERING STEPHEN CHURCHILL, ADM<sup>R</sup>, TO EXECUTE A DEED OF REAL ESTATE.

Legislative Records of the Council, xviii., 46<sup>s</sup>; Mass. Archives, xvi., 190.

Mass. Archives, xvi., 189. House Journal, pp. 172, 173.

A PETITION of Stephen Churchill, Father of Ephraim Churchill late of Plimouth Deed & Administ<sup>r</sup> on his Estate, praying that he may be impowered by this Court to execute a Deed of a House & Land to M<sup>r</sup> Edward Dotey of Plimouth which he had firmly agreed to purchase of the said Ephraim in his Life Time for £500 Old Ten<sup>r</sup> but his Death prevented his executing the Deed.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted And that the said Stephen Churchill (in his capacity of Adm<sup>r</sup>) be and he hereby is Enabled to Execute a good Deed of the House and Land within mentioned to Edward Dotey within named, upon said Edward Paying him five hundred pounds old tenor The said Stephen first giving caution to the Judge of Probate for the County of Plymouth to account for said Sum agreeable to Law. [Passed April 15.

## CHAPTER 271.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE PETITION OF EDW<sup>D</sup> HUTCHINSON, ESQ<sup>R</sup>, & M<sup>RS</sup> MARY WOLCOTT.

Legislative Records of the Council, xviii., 367, 469. Mass. Archives, xix., 48.

House Journal, p. 21 (June, 1745-46); pp. 37, 178. Province Laws, xii., 86, chap. 181.

A PETITION of Edward Hutchinson Esq<sup>r</sup> & M<sup>rs</sup> Mary Wolcot, shewing that in the Year 1657, the Government of the Massachusetts Bay granted to Major Thomas Clark their Grand Father, three hundred Acres of Land on this Side of Connecticutt River, which was part of the Land for which an Equivalent was given to the Colony of Connetientt, that the said Land has been possessed by the Grantee & his heirs till the Year 1730, when some of the Inhabitants of Connecticutt took Possession of it, that the Petitioners have pursued their Right in the Common Law, & petitioned that Government for Releif, but all has been without Effect, Therefore praying that this Court would give such Orders as may be effectual for their Releif.

The Committee appointed to consider the Petition of Edward Hutchinson Esq<sup>r</sup> & Mary Wolcott, find that in the year 1745, a Letter was prepared & sent by Order of this Court, directed to the Secretary of the Colony of Connecticutt to be laid before the General Assembly of that Colony, urging the said Colony's doing Justice to the Petition<sup>s</sup> respecting the Land mentioned in the Petition, to which no Answer has been yet made; The Committee are therefore of Opinion, that the Draught of another Letter concerning that Affair be prepared & forthwith sent to the Government of Connecticutt insisting upon a speedy Answer thereto.

By Order of the Committee JOSEPH WILDER

Read and

*Ordered* That this Report be and hereby is accepted and that the Draught of another letter be prepared and forthwith Sent accordingly. [Passed April 15.

## CHAPTER 272.

ORDER ON THE PETITION OF MARY WOLCOTT ADM<sup>X</sup> & JN<sup>O</sup> DODGE TO  
BRING FORWARD A WRIT OF REVIEW.

A PETITION of Mrs Mary Wolcott Widow & Administ<sup>x</sup> of the Estate of John Wolcot Esq<sup>r</sup> (her Son) late of Salem Dec<sup>d</sup> & John Dodge of Wenham, Praying this Court to stop Process on a Writ of Seire facias or any Execution that may issue upon a Judgment obtained by Nathan Bowen at the Superior Court on Appeal, upon a Note of hand given by the said John Wolcott to one Joshua Ward till the Petitioners bring their Writt of Reveiw to the next Superior Court in the County of Essex, & that they may be impowered to review the said Cause accordingly; And that the Bond given by the said Dodge & others may be of no other Effect than if it had been given for reviewing the said Judgment at the Superior Court to be held in said County in June next.

Legislative Records of the Council, xviii., 469. Mass. Archives, xliii., 822.

Mass. Archives, xlii., 820. House Journal, p. 177. *ante*, p. 103, chap. 262.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be so far granted as that no Process of scire Facias or any Execution Issue on the Judgment upon the appeal founded on the note of hand within mentioned but that the same be staid till a Writ of Review may be purchased and a New tryal had upon the review of the last mentioned Judgment Provided the Pet<sup>r</sup> bring forward the Same at the next Sup<sup>r</sup> Court of Judicature to be holden at Ipswich within the County of Essex and the Justices of the said Court are Impower'd to hear and try the said Cause enter up Judgment thereon and Award Execution accordingly, and all Process on the Bond within mentioned is also Staid until a Judgment be had upon the review of the Judgment that was obtain'd upon the aforesaid Appeal, and said Bond to be of no other force or effect then if it had been given to Review the Judgment at the s<sup>d</sup> sup<sup>r</sup> Court to be holden at Ipswich in the Month of June next. Provided the Pet<sup>r</sup> give Sufficient Security to the Sheriff of the County of Essex to pay such Sum or Sums as shall finally be recovered of him with Interest therefor till Judgment be given. [Passed April 15.

## CHAPTER 273.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE AFFAIR OF THE TOWN OF BERWICK AND DIVIDING SAID TOWN INTO TWO PRECINCTS.

A PETITION of Elisha Plaisted & John Hill Esq<sup>r</sup> & a great Number of others Inhabitants of the Town of Berwick, setting forth the Difference among the Inhabitants there respecting the building a Meeting House; that the said Town have Voted a Meeting House to be built in a very inconvenient Place; And therefore praying that the Petitioners may be exempted from paying towards the Charge of that Meeting House, that the Town may be divided into two Parishes, And that a Committee may be sent to veiw & consider their Circumstances & report thereon.

Legislative Records of the Council, xviii., 391, 470. Mass. Archives, xli., 559.

Mass. Archives, xli., 558-564. Legislative Records of the Council, xviii., 423. House Journal, pp. 127, 128, 180.

In Obedience to the Order of the General Court of the 31<sup>st</sup> of

Decem<sup>r</sup> 1748. We the Committee to whom was refer'd the Petition of several of the Inhabitants of the Town of Berwick, relating to their Meeting House, having repaired to the said Town & viewed the several Parts thereof & the Situation of the Inhabitants, & heard all the Parties concerned therein, agree humbly to report,

That the Town of Berwick be divided into two distinct & separate Parishes, and that the Lower Parish Bounds run North from the Old Meeting House one Mile & an half, & from thence South West & by West to Salmon Fall River, North East & by East to the Extent of the Township: And in as much as the Petitioners have by Subscriptions erected a commodious House, near where the Old one Stands, which is the most suitable Place to accommodate the lower Parish, we are humbly of Opinion that the House be there established for the Publick Worship of God, & that the Petitioners ought not to pay any part of the Tax which the said Town has made for the building another Meeting House in the Upper part of the Town, neither will the Place where the said Town have Voted to Erect another Meeting House be convenient for the Inhabitants in the Upper part of the said Town, But are of Opinion that if a Meeting House for the Upper Parish was erected near the House of Robert Gubtale, it would be the most suitable Place to accommodate the Upper Parish, And that altho' the aforementioned Line should take in Lieut<sup>t</sup> Peter Grant Benjamin Hodgdon, George Brown, Grindal Knight, Noah Thompson, John Knight, Andrew Walker, Lander Grant, Alexander Grant; Daniel Grant Joseph Chadburn Jun<sup>r</sup>, Gabriel Hamilton, John Hamilton, Richard Tharla, w<sup>ch</sup> will be much nearer the Place proposed for the Meeting House to be built in the Upper Parish; We are of Opinion that they & their Estates where they now dwell, should have Liberty, if they see Cause, to Join with the Upper Parish, & there pay the Parish Taxes; And if the aforesaid proposed Dividing Line should separate any Man's Land, that he pay to that Parish the whole of his Parish Tax, in which his House stands; And that the rev<sup>d</sup> M<sup>r</sup> Jeremiah Wise the present Minister of said Town, has Liberty to be Minister of which of the Parishes in said Town he shall chuse; And that the Parsonage Land in the Bounds of the Lower Parish shall remain to that Parish, & that the Town at their Cost shall procure for the Upper Parish One hundred Acres of the Common & undivided Land belonging to the Proprietors of s<sup>d</sup> Town where it can best accommodate them for a Parsonage

All which is humbly submitted

By Order of the Com<sup>tee</sup>

W<sup>m</sup> PEPPERELL.

Read &

*Ordered* that this Report be and hereby is accepted, And the Town of Berwick is divided into two distinct & separate Precincts accordingly, to do duty & receive Privilege as other Precincts within this Province do, or by Law ought to enjoy. [Passed April 18.]

## CHAPTER 274.

### ORDER DIRECTING THE COMMITTEE OF WAR TO DEMAND AN ACCOUNT FROM PERSONS WHO HAVE RECEIVED PUBLIC MONEY.

Legislative  
Records of the  
Council, xviii.,  
471.

WHEREAS sundry Persons have received Money out of the publick Treasury for the Service of the Expedition to Cape Breton, & others who have received Monies for the Service of the intended

Expedition to Canada & to Crown Point, have neglected to render their Accompts, & to return the Monies that remain in yr hands respectively. & others who have received Stores & other things for the Service of s<sup>d</sup> Expedition or some of them have neglected to give an Accomp<sup>t</sup> of the Disposition thereof;

Therefore

Mass.  
Archives,  
lxixii., 417, 418.  
House Jour-  
nal, p. 181.  
Province  
Laws, xiii., 465,  
chap. I.

*Ordered* that the Committee of War, or any three of them (the Chair man always to be One) be & hereby are impowered & required to demand an Account of all such delinquent Persons; And if they shall not render the Same, & pay their respective Ballances before the tenth of June next, to prosecute them in the Law to final Jndg-  
ment & Execution. [Passed April 18.]

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## CHAPTER 275.

### ORDER ON THE NATICK PETITION IN REGARD TO TAXES.

A PETITION of the Assessors & Parish Committee of Natick; Set-  
ting forth the Difficulties they are under respecting their Taxes by  
reason of several of their Mceetings being set aside by this Court, &  
therefore praying that the Lists of the Taxes & Assessments com-  
mitted to the Persons that were elected Constables be proceeded on  
& they obliged to collect the Sums contained therein notwithstanding  
their not having been sworn

Legisla-  
tive  
Records of the  
Council, xviii.,  
471. Mass.  
Archives, cv.,  
318.

Mass.  
Archives, cv.,  
317. House  
Journal, p. 172.  
Ante, p. 212,  
chap. 199.

Read and

*Ordered* that the Prayer of this Pet<sup>n</sup> be so far granted as that the Province and County Taxes by them made for the Year 1748 and Lists thereof Committed to Thomas Sauen and Sam<sup>l</sup> Morse Constables Chosen June 27<sup>th</sup> 1748 for Natick be deem'd Legal Assess-  
ments to all intents and purposes. And that the said Thomas Sawen and Sam<sup>l</sup> Morse be fully Impowered in all regards and directed to Collect and pay in the Same as speedily as may be to the Province and County Treasurers respectively. [Passed April 18.]

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## CHAPTER 276.

### ORDER IMPOWERING SARAH CURWIN TO SELL LAND AND EXECUTE A DEED.

A PETITION of Sarah Curwin of Salem, Widow, praying that she may be impowered by this Court to sell about ten Acres of Land belonging to the Estate of her late Husband George Curwin Decd for the Education of his Children.

Legisla-  
tive  
Records of the  
Council, xviii.,  
472. Mass.  
Archives,  
xviii., 425.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and the Pet<sup>r</sup> is hereby allowed and impowered to Execute a good Deed of the land above mentioned to any Person or Persons Who will give most for the same She Observing the Law of the Province with respect to the Sale of Intestate Estates &c And first giving Caution to the Judge of Probate for the County of Essex to apply the Produce to the purposes mentioned in the Pet<sup>n</sup>. [Passed April 18.]

House Jour-  
nal, p. 180.  
Province  
Laws, ii., 151,  
chap. 10.

<sup>1</sup> The final action on this petition is not found in the House Journal.

## CHAPTER 277.

## ORDER CONFIRMING A PLAT OF 150 ACRES OF LAND TO JOSEPH ROW.

Legislative  
Records of the  
Council, xviii.,  
472. Mass.  
Archives,  
xlvii., 133.

Mass.  
Archives,  
xlvii., 191, 194.  
House Jour-  
nal, p. 180.  
Province  
Laws, xii., 76;  
chap. 153; 92,  
chap. 197.

A PLAT of One hundred & fifty Acres of Land laid out by Joseph Chadburn & Chainmen under Oath to fulfill a Grant made by the General Court to Joseph Row, lying in the County of York, beginning at the South Corner of a Tract of 300 Acres of Land formerly laid out to Cap<sup>t</sup> Samuel Jordan & running South West Two hundred & eighty Poles to Berwick Line, then by said Line North 14 Deg<sup>s</sup> West two hundred & fifty four Poles, then North East One hundred Poles to the aforesaid Grant of Cap<sup>t</sup> Jordan's, then by the Bounds thereof Southeast two hundred & eighteen Poles to the first Station; lying about half a Mile South East of Bonebeag Pond.

Read and

*Ordered* that this Plat be accepted and the land herein delineated and described be and hereby is confirmed to the Assigns of the within named Joseph Row their Heirs and Assigns Provided the Plat exceeds not the quantity of One hundred and fifty Acres nor interfere with any former Grant. [Passed April 18.]

## CHAPTER 278.

ORDER CONTINUING THE ESTABLISHMENT OF PAY & SUBSISTENCE FOR  
Y<sup>E</sup> FORCES ON THE FRONTIERS.

Legislative  
Records of the  
Council, xviii.,  
473. Mass.  
Archives,  
ixxiii., 420.

House Jour-  
nal, p. 183.  
*Ante*, p. 167,  
chap. 69.

*Voted* that the Establishment of Pay and Subsistance granted for four Hundred Ninety Nine Men Including Officers, for the defence of the Frontiers which expired the first of March last be continued from that time to the last of May next.

And that His Excellency be desired to give Order that the said four hundred Ninety Nine Men be continued in the same plaees where they were Posted in November last. Saving that His Excellency be desired to Cause that ten of the Men now in the Service at Northfield be employed during the present Establishment in Scoutting from Ashuelot to Townshend. [Passed April 19.]

## CHAPTER 279.

Legislative  
Records of the  
Council, xviii.,  
474.

House Jour-  
nal, p. 182.

ORDER ALLOWING £5 TO EBEN<sup>R</sup> LEONARD JR.

*Ordered* that the Treasurer be directed to pay to Ebenezer Leonard Jun<sup>r</sup> Five Pounds for Sixteen Weeks Billeting at six Shillings & threepence  $\varphi$  week. [Passed April 19.]

## CHAPTER 280.

ORDER ALLOWING £23. 7 TO JOSIAH SARTLE.

AN ACCOMPT presented by Josiah Sartle of Billeting Soldiers  
[Read and]

Legislative  
Records of the  
Council, xviii.,  
474.

*Ordered* that the Treasurer be directed to pay to said Josiah Sartle Twenty three pounds seven Shillings for sixteen Weeks & five Days Billeting. [Passed April 19.]

House Jour-  
nal, p. 182.

## CHAPTER 281.

ORDER FOR LAYING OUT TOWNS NEAR HOOSUCK.

In the House of Rep<sup>ues</sup>

Legislative  
Records of the  
Council, xviii.,  
474. Mass.  
Archives, cxv.,  
459.

*Ordered* that Col<sup>o</sup> Dwight and Col<sup>o</sup> Choate with such as the Hon<sup>ble</sup> Board shall Joyn be a Comm<sup>ee</sup> to repair to the Province Lands near Hoosuck as soon as may be with a Skilful Surveyor and Chain men under Oath and Lay out two Townships of the contents of Six Miles Square in the best of the land, and in as regular a Form as may be, Joyning them together and return a correct plat of said Townships to this Court for their further Order thereon And also that the same Committee be directed to return an account of the course and distance the said Townships bear from Fort Massachusetts and as near as they can the quantity of interval Land contained in each Township and what the quality of the Soil adjoyning to the said Township is.

Mass.  
Archives,  
clxxxi., 55.  
House Jour-  
nal, pp. 180, 182.  
Province  
Laws, xii., 553,  
chap. 186.  
Perry's  
Origins in  
Williamstown,  
pp. 373-375.

In Council; Read & Concur'd & Oliver Patridge Esq<sup>r</sup> is joined in the Affair. [Passed April 19.]

## CHAPTER 282.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF COL. FRA<sup>s</sup> BRINLEY, ESQ<sup>r</sup>, TO BRING FORWARD A WRIT OF REVIEW.

A PETITION of Col<sup>o</sup> Francis Brinley Esq<sup>r</sup> praying that this Court wou'd order Execution to be stayed on a Judgment obtained against him at the Inferior Court by Thomas Bedunah of Roxbury (for impressing him as a Soldier & receiving his Fine for his not going into the Service) until the Petitioner can bring forward his Writ of Review of said Action, the Petitioner being willing to give Bond for double Interest in case the Judgment should be affirmed.

Legislative  
Records of the  
Council, xviii.,  
474. Mass.  
Archives,  
lxix., 414.

House Jour-  
nal, p. 184.

Read &amp;

*Ordered* that the Pet<sup>r</sup> serve the adverse Party with a Copy of this Petition, that he shew cause, if any he have, on The first Fryday of the next May Session, why the Prayer thereof should not be granted that Exon be staid in the mean time. [Passed April 19.]

## CHAPTER 283.

ORDER ALLOWING £10 TO BENJ<sup>A</sup> LOVEL.

Legislative Records of the Council, xviii., 475. Mass. Archives, lxxiii., 415. A PETITION of Benjamin Lovel, praying for an Allowance from this Court in Consideration of Wounds he received in the Service of this Province which occasioned the Cutting off of one of his Legs.

Mass. Archives, lxxiii., 415, 416. House Journal, pp. 181, 184. Read and *Ordered* that the Treasurer be directed to pay to Col<sup>o</sup> Otis for the Use of the Pet<sup>r</sup> ten pounds in consideration of his Sufferings within mentioned. [Passed April 19.]

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## CHAPTER 284.

ORDER REFERRING WITH STAY OF EXECUTION THE PETITION OF EBEN<sup>R</sup> TERRY.

Legislative Records of the Council, xviii., 476. Mass. Archives, lxxiii., 380. A PETITION of Ebenezer Terry of Enfield, shewing that he received a Sum of Money from Eliakim Hutchinson Esq<sup>r</sup> (& others a Committee of the General Court) for enlisting Soldiers for the Expedition against Canada a great Part of which Money he put into the hands of Elkanah Cobb (now deceased) for the same Service; That the said Committee have sued & recovered Judgment against him for the said Money, praying that Execution may be stayed 'till he can make up his Account with the Executor or Administrator of the said Cobb, & that the Petitioner may be allowed for the Number of men which he did enlist.

Mass. Archives, lxxiii., 379. Executive Records of the Council, xi., 348. House Journal, pp. 173, 184.

Read and

*Ordered* that the Consideration of this Petition be refer'd till the next May Session and that Execution within mentioned be Stayed in the mean time. [Passed April 19.]

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## CHAPTER 285.

## ORDER ALLOWING £2. 4. 6 TO MARY MAXEY.

Legislative Records of the Council, xviii., 476. Mass. Archives, lxxiii., 367. A PETITION of William Uran in behalf of his Daughter Mary Maxey praying that she may be allowed the Wages due to her late Husband Ebenezer Maxey Dec<sup>d</sup> for his Service in the late Expedition against Cape Breton.

House Journal, p. 185. Province Laws, xiii., 465, chap. 1.

Read and

*Ordered* that the Comm<sup>ee</sup> of War be directed to pay to Col<sup>o</sup> Choate two pounds four Shillings and Six pence for the Use of the within named Ebenezer Maxey.<sup>1</sup> [Passed April 19.]

<sup>1</sup> Legislative Records of the Council, xviii., 476, and State Library copy, Legislative Records of the Council, xviii., 464, add, "Dec<sup>d</sup>."

## CHAPTER 286.

## ORDER ALLOWING 10/- TO SAM'L MILLER.

A PETITION of John Chandler Esq<sup>r</sup> in behalf of Samuel Miller, praying that he may be allowed Ten Shillings New Tenor for a Bill of that Value on this Province which belonged to said Miller & was accidentally burnt.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and the Treasurer is directed to deliver to John Chandler Esq<sup>r</sup> ten Shillings for the Use of the Pet<sup>r</sup> accordingly.<sup>1</sup> [Passed April 19.]

Legislative  
Records of the  
Council, xviii.,  
476. Mass.  
Archives, cit.,  
422.

Mass.  
Archives, cit.,  
421.

## CHAPTER 287.

## ORDER ALLOWING £4. 15 TO HANNAH BILL.

A PETITION of Hannah Bill of Boston, praying that she may be allowed out of the publick Treasury the Sum of Four pounds fifteen Shillings for so much in the Bills of this Province which was accidentally burnt in her hands.

Read and

*Ordered* that the Treasurer be directed to deliver to the Petitioner four pounds fifteen Shillings in consideration of the Loss within mentioned. [Passed April 19.]

Legislative  
Records of the  
Council, xviii.,  
476. Mass.  
Archives, cit.,  
400.

Mass.  
Archives, cit.,  
399. House  
Journal, p. 184.

## CHAPTER 288.

## ORDER ALLOWING £5 TO OTHNIEL TAYLOR.

A PETITION of Othniel Taylor of Deerfield; Praying that he may be allow'd for the Loss of a Horse, worth Forty Pounds, w<sup>ch</sup> was kill'd in his pursuit of the Indian Enemy.

Read and

*Ordered* that the Treasurer be directed to Pay to Israel Williams Esq<sup>r</sup> for the Use of the Pet<sup>r</sup> the Sum of five pounds in full consideration of the Prayer of this Petition. [Passed April 19.]

Legislative  
Records of the  
Council, xviii.,  
476. Mass.  
Archives,  
lxixii., 384.

Mass.  
Archives,  
lxixii., 384-386.  
House Jour-  
nal, p. 180.

## CHAPTER 289.

## ORDER DIRECTING THE PAYMENT OF THE NORTHFIELD BILLETING ACCOUNT.

A PETITION of William Williams Esq<sup>r</sup> in behalf of divers Inhabitants of Northfield, Shewing that they were at greater Charge than usual in billeting Cap<sup>t</sup> Leeds's Company in the last Spring & Summer; And therefore praying that they may be allowed an Advance above the usual Rate.

Legislative  
Records of the  
Council, xviii.,  
476. Mass.  
Archives,  
lxixii., 413.

Mass.  
Archives,

<sup>1</sup> Not found in the House Journal.

lxxiii., 413.  
House Jour-  
nal, pp. 177, 178,  
183.

Read and  
*Ordered* that the Billeting Account of Northfield, when the same is properly Vouched be discharged at the rate of Seven Shillings per Week. [Passed April 19.]

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## CHAPTER 290.

### ORDER REFERRING THE REPORT OF THE COMMITTEE ON THE PETITION OF MAJOR LAWRENCE AND CAPT. STEVENS IN REGARD TO LAND ON THE NEW HAMPSHIRE BOUNDARY.

Mass.  
Archives, vi.,  
74; cxv., 445.  
House Jour-  
nal, p. 184.

Mass.  
Archives, vi.,  
71-74. House  
Journal, p. 184.  
Province  
Laws, ix., 696,  
chap. 113.

THE PETITION of us The Subscribers In behalf of our Selves and The Rest of The Proprietors of Townshend in y<sup>e</sup> County of Midd<sup>x</sup> Humbly sheweth: That wheare as The Greate & General Court was pleas<sup>d</sup> about the year: 1719: To Lay out a New Township Commonly Call<sup>d</sup> or known by the Name of North town or Turkie Hills on the back of Groton and by a Com<sup>tee</sup> of the s<sup>d</sup> General Court admitted Settlers on Certain Conditions and after S<sup>d</sup> Township was Competantly Fill<sup>d</sup> with in habitants who had Fully Complid<sup>d</sup> with the Conditions afore S<sup>d</sup> the Honourable Court was Pleas<sup>d</sup> To Set them off for a Distinct & seperate Town and Invest them with Privelidgs &c. after Said Town was set off: The Proprietors a Greed<sup>d</sup> To make a Division of the Lands in S<sup>d</sup> Town and Proceeded to Lott out the Same but so it happen<sup>d</sup> That in Runing the line betwen the provence a fore S<sup>d</sup> & New hamsheire a bont Eleven Thousand acres of S<sup>d</sup> Grant: Fell with in that Goverment and To our Greate Surprise of Late a number of Gentlemen in New hamshire who have Purchised a Grant Formerly made by The Council of Plimonth To Capt John Mason have sent ont a Surveyer & Chainmen and have Laid out S<sup>d</sup> Lands in To Townships with other lands, & have Inform<sup>d</sup> us Thay shall Lott out the Same and admit setlers thereon without haveing any Regard To our Grant or Lotts. which if thay Do will be Extreamly Detrimental To S<sup>d</sup> proprietors & have a Greate Tendency To Rue many of them by Reson of The Number of Deeds & Convayences which hath been made a bont S<sup>d</sup> Lands.

Therefore your Petition[er]s Pray That your Exleney and Honours would Take theare Dificalt Case in To your wise Consideration and Give them Such assistance and Reliefe as you shall Think Just And your Petition[er]s as In Duty bound shall Ever Pray.

WILLIAM LAWRENCE	}	Com <sup>tee</sup> for
JONAS CLARKE		for <sup>1</sup> S <sup>d</sup> proprietors

JOHN STEVENS

The Committee of both Houses appointed to consider the Petitions of Major *Lawrence* and Capt. *Stevens*, relating to the Title of Lands granted by this Province, and by the late running of the Line between this Government and *New-Hampshire*, lying to the Northward thereof, reported [Mass. Archives, vi., 74] according to Order.

Read and

*Ordered* that the consideration of this report be referd to the next May Session. [Passed April 19.]

<sup>1</sup> *Sic.*

## CHAPTER 291.

ORDER ALLOWING £59 TO SUSANNA PIERCE, ADM<sup>X</sup>.

A PETITION of Susanna Pierce Widow & Administratrix of Dr Joseph Pierce of Portsmouth in the Province of New Hampshire Dec<sup>d</sup> shewing that the said Joseph Pierce was employed at Cape Breton as a Surgeon & Physician to some of the Troops of this Province, & in his Life Time applied to this Court for the Payment of the Accounts of his said Service, but no Satisfaction having been made as yet for his Service, Therefore praying that this Court would now give Orders for the Payment of what is due thereon.

Read &

*Ordered* that the Comm<sup>ee</sup> of War be directed to Pay to the within-named Susanna (in her capacity of adm<sup>x</sup> to the Estate of her late Husband Joseph Pierce Dec'd) the Sum of fifty Nine pounds in full for his Services in his Pet<sup>n</sup> mentioned. [Passed April 20.]

Legislative Records of the Council, xviii., 474. Mass. Archives, cv., 299.

Mass. Archives, cv., 298. Legislative Records of the Council, xvii. (5), 223. House Journal, pp. 60, 173, 186, 187.

## CHAPTER 292.

## ORDER DEDUCTING £13. 13 FROM THE GROTON TAX AND ADDING IT TO THE TOWN OF DUNSTABLE.

*Ordered* that the Sum of thirteen pounds thirteen Shillings be taken from the Town of Groton in the next Tax Bill, and laid upon the Town of Dunstable. That Sum not being deducted from Groton in the last Tax (as ought to have been) on acc<sup>t</sup> of John Swallow and others being taken from Groton and Annexed to Dunstable. [Passed April 20.]

Legislative Records of the Council, xviii., 477. Mass. Archives, exv., 460.

Legislative Records of the Council, xviii., 193. House Journal, pp. 12, 186. Ante, p. 12, chap. 14.

## CHAPTER 293.

## ORDER ALLOWING £1,250 FOR REPAIRS OF YE COURT HOUSE.

*Ordered* that the Sum of Twelve hundred & fifty Pounds be paid out of the publick Treasury to the Committee appointed to effect the Repairs of the Court House in Boston, the said Committee to be accountable. [Passed April 20.]

Legislative Records of the Council, xviii., 477.

House Journal, p. 187. Ante, p. 110, chap. 276.

## CHAPTER 294.

## ORDER WITH STAY OF EXECUTIONS REFERRING THE ACCOUNTS OF THE CONSTABLES OF SWANZEY.

*Ordered* that the Consideration of the Accompts of the Constables of Swansey be refer'd till the next May Session & the Executions against them be stayed in the mean Time. [Passed April 20.]

Legislative Records of the Council, xviii., 477.

Mass. Archives, cxxi., 250-257. House Journal, p. 187. Ante, p. 24, chap. 47.

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is April 19.

## CHAPTER 295.

ORDER ALLOWING £10 TO DAN<sup>L</sup> M<sup>C</sup>KANY.

Legislative  
Records of the  
Council, xviii.,  
477. Mass.  
Archives,  
lxixii., 419.

House Jour-  
nal, pp. 185, 187.

A MEMORIAL of Daniel M<sup>c</sup>Kany a Soldier in the Service of this Province, Shewing that in an Engagement with the Indian Enemy, his Thigh was broken by a Shot, praying for an Allowance from this Court in Consideration thereof.

Read and

*Ordered* that the Treasurer be directed to Pay the Pet<sup>r</sup> ten pounds in consideration of his Sufferings aboveMentioned. [Passed April 20.

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## CHAPTER 296.

## ORDER ALLOWING £45. 18. 6 TO GEO: GERRISH.

Legislative  
Records of the  
Council, xviii.,  
477. Mass.  
Archives,  
lxixii., 108.

Mass.  
Archives,  
lxixii., 106-109.  
House Jour-  
nal, pp. 23, 43,  
58, 185. Prov-  
ince Laws,  
xiii., 465,  
chap. 1.

A PETITION of George Gerrish of Boston late an Officer in the Expedition ag<sup>st</sup> Cape Breton, that he carried with him a considerable Number of Blacksmith's & other Tools, which the General ordered out of his hands for the Use of the English Garrison, which Tools he could never after recover, & therefore praying that he may be allowed for them by this Court.

Read and

*Ordered* that the Comm<sup>ee</sup> of War be directed to Pay the Pet<sup>r</sup> the Sum of forty five pounds eighteen Shillings and Six pence in full discharge of his Acct<sup>t</sup> of Utensils within mentioned. [Passed April 20.

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## CHAPTER 297.

ORDER ALLOWING £38. 8. 3 TO JN<sup>O</sup> CHAMBERLAYNE.

Legislative  
Records of the  
Council, xviii.,  
477. Mass.  
Archives,  
lxixii., 373.

Mass.  
Archives,  
lxixii., 373-375.  
House Jour-  
nal, pp. 178, 187.

A PETITION of John Chamberlayne praying that this Court would allow for what was deducted out of his Acct<sup>t</sup> of victualling the French Prisoners, taken out of the Ship Vigilant, his Charge being low & moderate.

Read and

*Ordered* that the Treasurer be directed to Pay the Pet<sup>r</sup> thirty eight pounds eight Shillings and three pence in full discharge of the Acct<sup>t</sup> mentioned. [Passed April 20.

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## CHAPTER 298.

ORDER ALLOWING £4 TO JN<sup>O</sup> FOOT.

Legislative  
Records of the  
Council, xviii.,  
478. Mass.  
Archives,  
lxixii., 401.

A PETITION of John Foot, praying that he may be allowed the Charges he contracted by a long Sickness which he had while he was in the publick Service

Read and

*Ordered* that the Treasurer be directed to pay to Cap<sup>t</sup> Rowell for the Use of the Pet<sup>r</sup> four pounds in consideration of his Sufferings within mentioned. [Passed April 20.]

House Journal, pp. 184, 186.

## CHAPTER 299.

### ORDER ALLOWING £5 TO CAPT JNO LANE.

A PETITION of Cap<sup>t</sup> John Lane an Officer in the late Expedition against Cape Breton, praying for some further Allowance from the Court in Consideration of his Sickness contracted in that Service which still remains upon him.

Legislative Records of the Council, xviii., 478. Mass. Archives, lxxiii., 336.

Read and

*Ordered* that the Treasurer be directed to pay to Cap Bragdon of York for the Use of the Pet<sup>r</sup> the Sum of five pounds in consideration of his Sufferings within mentioned. [Passed April 20.]

Mass. Archives, lxxiii., 336. House Journal, pp. 162, 186. Ante, p. 88, chap. 216.

## CHAPTER 300.

### ORDER ALLOWING £5 AND A GUN TO EPH<sup>M</sup> POWERS.

A PETITION of Ephraim Powers, Praying for some Allowance in Consideration of his being wounded & taken Captive by the Indian Enemy, while he was in the Service, as also for the Loss of his Gun at that Time.

Legislative Records of the Council, xviii., 478. Mass. Archives, lxxiii., 332.

Read and

*Ordered* that the Treasurer be directed to Pay to M<sup>r</sup> Prescot of Littleton the sum of five pounds for the Use of the Pet<sup>r</sup> in consideration of his Sufferings within mentioned.

Mass. Archives, lxxiii., 332. House Journal, pp. 183, 186.

Also

*Ordered* that the Commissary Gen<sup>l</sup> be directed to deliver him a Gun out of the Province Store. [Passed April 20.]

## CHAPTER 301.

### ORDER ALLOWING £65. 1. 1 TO JOHN PALMER, ADM<sup>R</sup>.

AN ACCOMPT presented by John Palmer Administ<sup>r</sup> of Mary Palmer of sundry Charges in fitting out a Schooner sent out as a Spy Boat

Legislative Records of the Council, xviii., 478.

Whereas the Sum of Sixty five Pounds one Shilling & one penny was granted by this Court to the Represent<sup>v</sup>e of Mary Palmer Dec<sup>d</sup> on Novem<sup>r</sup> 18<sup>th</sup> 1747, to satisfy the within Accompt, but the Order was consumed by Fire before it pass'd the whole Court. Therefore

House Journal, pp. 40, 166 (November, 1747); p. 137.

*Ordered* that the said Sum of Sixty five pounds one Shilling & one penny be allowed out of the publick Treasury to the Administ<sup>r</sup> on the Estate of the said deceased in full Discharge of said Accompt. [Passed April 20.]

## CHAPTER 302.

## ORDER IMPOWERING JAMES RUSSELL AS GUARDIAN TO SELL REAL ESTATE.

Legislative Records of the Council, xviii., 479. Mass. Archives, xviii., 424.

Mass. Archives, xviii., 422-424. House Journal, p. 186. Province Laws, ii., 151, chap. 10.

A PETITION of James Russell Guardian of Ephraim Breed a Minor, Shewing that the said Ephraim is entitled to a twelfth Part of the Mansion House & other Buildings & divers Parcels of Land in Lyn, being the Estate, of his great Uncle John Breed, late of Lyn Dec<sup>d</sup> And for as much as there can't be a Division made of the said Estate so as to set off the said Minors Part, without great Hurt to his Interest, Therefore praying that the Pet<sup>r</sup> may be impowered to sell the same.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and the Pe<sup>r</sup> is hereby Impowered (in his Capacity mentioned) to make Sale of the within named Ephraim's part of the real Estate for the most it will fetch, And Execute a good Deed thereof Provided He Observes the directions of the Law respecting Executors and administrator's Sale of real Estates. And gives Caution to the Judge of Probate for the County of Middlesex to Apply the Proceeds of said Sale to the best advantage of the Minor. [Passed April 20.<sup>1</sup>

## CHAPTER 303.

## ORDER WITH STAY OF PROCEEDINGS ON THE PETITION OF SWANZEY SELECTMEN.

Legislative Records of the Council, xviii., 475. Mass. Archives, cxxi., 256.

Legislative Records of the Council, xviii., 467. House Journal, pp. 176, 188. Province Laws, xii., 271, chap. 26.

THE PETITION of the Selectmen of Swanzey Humbly Sheweth That Whereas there was an act Pased by the General Court of this Province in the year 1736 for Rebuilding the Bridge Called myles Bridg over the Riuer between Swanzey and Barrington in the Country Rode and that the Court of General Sessions of the peace for the County of Bristol be and hereby are Impowered and ordered to Issue and send forth Warrants to the s<sup>d</sup> Towns of Swanzey and Barrington Respectively Requiring the s<sup>d</sup> Towns to build a good and substantial Cart bridge Cros the s<sup>d</sup> Riuer in the Country Rhoad afores<sup>d</sup> Wher<sup>2</sup> the s<sup>d</sup> Bridge did stand two thirds parts to be bourn<sup>2</sup> by the Town of Swanzey. and the other third part by the Town of Barrington Which has been Complyed with and don by both Towns accordingly But now the Case is much altered by Reason of Rhode Island Line being Run & Takes of the bigger par<sup>3</sup> of Barrington so that they Cannot be Compel<sup>d</sup> to do any thing to s<sup>d</sup> bridg and the aboves<sup>d</sup> Line Takes of aboue fourty families from Swanzey with their poll and Estates and many of them haue very good Estates. and their is salt marsh and upland that falls within s<sup>d</sup> Line and the owners in the Town of Swanzey and our yong men many of them gets into that gonerment and so keeps from doing duty in the Town of Swanzey so that if it falls to Swanzey holy to build and keep

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is April 21.

<sup>2</sup> MS. mutilated.

<sup>3</sup> Sic.

in Repair the afores<sup>d</sup> Bridge it will be uery greiuous and a Considerable Charge Wherfore your Petitioner Pray your Excelency and Honours to take the matter Into your wise Consideration and afford your petitioners sum Releife in sum way and maner as in your Grate Wdom and Justice may seam meet and as in Duty bound shall Euer pray

Swanzey october the 24: 1748	HEZ <sup>K</sup> LUTHER ESEK BROWN EDWARD SLADE	}	Select men of Swanzey
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*Ordered* that all proceedings by the Court of Gen<sup>l</sup> Sessions of the Peace for the County of Bristol, relating to the Bridge mentioned in the Petition be stayed until the End of the next May Session unless this Court shall order otherwise. [Passed April 21.<sup>1</sup>

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## CHAPTER 304.

### ORDER REFERRING THE PETITION OF JOSEPH RUSSELL FOR AN ACCOUNTING.

A PETITION of Joseph Russell,<sup>2</sup> shewing that he with his Wife (now deceased) Mortgaged a Dwelling House & Land in Boston to Gilbert Warner of said Town, that while the Petitioner was beyond Sea, the said Warner sued out the Mortgage, & has been divers Years in Possession of the Premisses, & has received much more than the Principal & Interest of the Sum borrowed in Rent, & refuses to account with the Petitioner for the same; Therefore praying that he may be allowed the Equity of Redemption, & that the said Warner may be obliged to account with the Petitioner for the Issues & Profits of the said Estate.

Legislative Records of the Council, xviii., 433. Mass. Archives, xviii., 372.  
Mass. Archives, xviii., 369-372.  
Legislative Records of the Council, xviii., 468. House Journal, pp. 124, 170, 189.

Read and

*Ordered* That the Consideration of this Pet<sup>n</sup> be referr'd to the Second Friday of the next May Session. [Passed April 21.

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## CHAPTER 305.

### ORDER REFERRING WITH STAY OF EXECUTION THE PETITION OF THOS PAYNE FOR COSTS.

A PETITION of Thomas Payne of Boston, shewing that he appealed to the Superior Court from a Judgment obtained against him by Jonathan Randall, that when his Action was brought on, his Attorney having mislaid his Papers (which he soon after found) he was not able to prosecute it, & the Court could not be prevailed upon to respite it, & so he was called out; & the Appellee filed his Complaint against him, And therefore praying that this Court would order the Proceedings on the Complaint to be stayed, & that his Appeal may be tried, either at this or the next Term of the said Court.

Legislative Records of the Council, xviii., 475. Mass. Archives, xlii., 816.  
Mass. Archives, xlii., 815-819. House Journal, pp. 183, 189.

Read &

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is April 19.

<sup>2</sup> The signature of this name in Mass. Archives, xviii., 371, is "Joseph Bussell."

*Voted* that the Consideration of this Petition be refer'd to the second Fryday of the next May Session & that Execution for Costs be stayed in the mean time. [*Passed April 21.*<sup>1</sup>

## CHAPTER 306.

### ORDER ALLOWING £5. 13 TO GEO: GRAINGER.

Legislative  
Records of the  
Council, xviii.,  
421. Mass.  
Archives, cli.,  
388.

Mass.  
Archives, cil.,  
387. Legisla-  
tive Records of  
the Council,  
xviii., 475.  
House Jour-  
nal, pp. 95, 108.

A PETITION of George Grainger of Suffield, praying to be reimbursed out of the publick Treasury for divers Bills of Credit of this Province, which having left upon his Shelf for some days the Mice had so eaten them as to make them unfit to pass in common Business

Read and

*Ordered* that the Pet<sup>r</sup> be allowed out of the publick Treasury five pounds thirteen Shillings in Consideration of the Loss abovementioned. [*Passed April 21.*<sup>2</sup>

## CHAPTER 307.

### VOTE FOR THE GOVERN<sup>R</sup> SECRETARY & SPEAKER TO EXECUTE AN INSTRUMENT FOR RECEIVING YE MONEY FOR TAKING CAPE BRETON.

Legislative  
Records of the  
Council, xviii.,  
478.

Mass.  
Archives, xx.,  
508; cil., 429-  
432. House  
Journal, p. 188.  
Province  
Laws, iii., 457,  
note.

In the House of Represent<sup>ves</sup>

*Voted* that His Excellency William Shirley Esq<sup>r</sup> the Governour, Josiah Willard Esq<sup>r</sup> the Secretary of the Province, & Thomas Hutchinson Esq<sup>r</sup> the Speaker of this House be impowered in the Name & behalf of the Province to sign & deliver a proper Deed or Instrument, with the Seal of the Province thereunto affixed, authorizing & empowering the hon<sup>ble</sup> Sir Peter Warren, Knight of the Bath, William Bollan Esq<sup>r</sup> Agent for this Province at the Court of Great Britain, & Eliakin Palmer Esq<sup>r</sup> of London Merchant, them or two of them (the said William Bollan Esq<sup>r</sup> except in Case of his Death, always to be one) to receive the whole, any & every part of the Hundred & Eighty three thousand six hundred & forty nine Pounds two Shillings & sevenpence Sterl<sup>g</sup> granted by Parliament, to reimburse the Province their Expences in taking & securing for his Majesty, the Island of Cape Breton, & its Dependancies & to give a full Discharge for the Same.

In Council; Read & Concurred. [*Passed April 21.*

## CHAPTER 308.

### ORDER IMPOWERING THE CONSTABLE OF MEDFIELD TO COLLECT TAXES.

Legislative  
Records of the  
Council, xviii.,  
479. Mass.  
Archives, cv.,  
315.

A PETITION of Samuel Morse, Represent<sup>ves</sup> of the Town of Medfield, Shewing in behalf of said Town, that the Assessors there for the Year 1748, have according to their usual Custom put the Town & County Rates into one List which not being strictly according to

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is April 19.

<sup>2</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is April 19.

Law, they apprehend they shall meet w<sup>th</sup> some Difficulty in gathering said Taxes; And therefore praying that the Constable may be impowered to collect it, notwithstanding their being put in one List.

Mass.  
Archives, cv.,  
314. House  
Journal,  
pp. 171, 186.

Read and

*Ordered* that the Constable be and he hereby is Enabled to finish the collecting said Taxes, any imperfection in Joyning the Town and County Taxes in one List notwithstanding. [Passed April 21.

## CHAPTER 309.

### ORDER GRANTING TO ABIEL RICHARDSON LICENCE TO SELL STRONG DRINK.

A PETITION of Abiel Richardson of Cambridge Innholder, shewing that he has purchased a House on the same side of the River where he had before been licence, & therefore praying that this Court would licence him to keep Tavern there.

Legislative  
Records of the  
Council, xviii.,  
479. Mass.  
Archives, exi.,  
171.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and the Pet<sup>r</sup> is allowed to Sell Strong drink in the House within mentioned till the next Session of the Justices in Middlesex, accordingly And the Justices of the said Session are then allowed and impowered to grant the Pet<sup>r</sup> a Licence if they See cause, the time for granting Licences being elapsed notwithstanding. [Passed April 21.

Mass.  
Archives, exi.,  
169-171. House  
Journal, p. 187.

## CHAPTER 310.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE PETITION OF JOHN AND SARAH LEDDELL EXECUTRIX, AND APPOINTING A HEARING THEREON.

A PETITION of John Leddell & Sarah his Wife as she was Executrix of the last Will & Testament of John Franklyn dec<sup>d</sup> Complaining of the Proceedings of the Superior Court of Judicature in the County of Suffolk on a Writt of Seire facias issued the 10<sup>th</sup> of February 1746, ag<sup>st</sup> the Petitioners at the Suit of Bartholomew Cheever Administ<sup>r</sup> de Bonis non of the Estate of Henry Franklyn Dec<sup>d</sup>, & praying that the said Proceedings may be set aside, & that the Petitioner may have another Trial on the Merits at the next Superior Court, & Execution stayed in the mean time.

Legislative  
Records of the  
Council, xviii.,  
416. Mass.  
Archives,  
xviii., 599.

Mass.  
Archives,  
xviii., 393-395.

Legislative  
Records of the  
Council, xviii.,  
462, 480, 488.

House Jour-  
nal, pp. 106, 140,  
169, 188.

The Committee on the pet<sup>n</sup> of John Leddel Report to this Hon<sup>ble</sup> Court that they find that the purport of s<sup>d</sup> pet<sup>n</sup>, is for this Court to Explain some of the Laws of this province &c as also to give their Judgment Respecting the Opperation of some acts of parliament here &c Therefore that this Court may hane the Benefit of the arguments of the parties Concern'd therein are Humbly of Opinion that they be heard before this Hon<sup>bl</sup> Court on the second Tuesday of June Next Which is Humbly Offerd

20 of april

1749

¶ SAM<sup>L</sup> WATTS ¶ ord<sup>r</sup>

Read &

*Ordered* that this Report be & hereby is Accepted & that a Hearing be had on this Petition before this Court on the second Tuesday of June next accordingly. [Passed April 21.

## CHAPTER 311.

## ORDER IMPOWERING ANN PRESCOTT AS GUARDIAN, TO SELL LAND.

Legislative  
Records of the  
Council, xviii.,  
480.

House Jour-  
nal, p. 190.

A PETITION of Ann Prescott, Widow of John Prescott late of Concord Esq<sup>r</sup> Deed<sup>d</sup> & Gaurdian of his Children, shewing that there is a small Parcel of Land in Littleton (most of it unimproved) left by Benjamin Prescott Uncle of the st<sup>d</sup> Children in which they are interested, which will be of very little Profit to them as it lies, Therefore Praying that she may be impowered to sell the said Land for her Childrens best Advantage      Read &

*Ordered* that the Prayer of the Petition be & hereby is granted; & the Petitioner in her said Capacity is allowed to make Sale of the within mentioned Minors Part of the Estate within mentioned to such Person as shall give most for the Same; Provided sufficient Caution be given to the Judge of Probate for the County of Middlesex that the Produce thereof shall be disposed of pursuant to Law. [Passed April 21.

## CHAPTER 312.

## ORDER APPOINTING A COMMITTEE ON THE SOUTH PART OF CAMBRIDGE AFFAIR, AND DEFERRING ACTION ON THE PETITION, PENDING THEIR REPORT.

Legislative  
Records of the  
Council, xviii.,  
480.

Legislative  
Records of the  
Council, xviii.,  
374. House  
Journal, pp. 32,  
48, 113, 183, 187.  
*Ante*, p. 220,  
chap. 220.

ON THE PETITION of Benj<sup>a</sup> Dana & others, [*ante*, p. 193, chap. 146]

*Ordered* that Samuel Watts & Andrew Oliver Esq<sup>rs</sup> with such as the hon<sup>ble</sup> House shall Join<sup>1</sup> be a Committee to repair to the Town of Cambridge & view the Causeway leading to the great Bridge; & make an Estimate of the Cost & Charge of making & raising the said Causeway on each Side the said Bridge, to such a Height as will reasonably accommodate the Petitioners; The said Committee to report as soon as may be, And the further Consideration of this Petition is refer'd till said Committee shall report. [Passed April 21.

## CHAPTER 313.

## ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE PETITION OF YE WEST SIDE SOCIETY IN CONCORD IN REGARD TO A MINISTERIAL TAX AND REFERRING A HEARING THEREON.

Legislative  
Records of the  
Council, xviii.,  
481.

House Jour-  
nal, pp. 174, 189.  
*Ante*, p. 196,  
chap. 154.

THE COMMITTEE on the Petition of the West Society in Concord made report<sup>2</sup> thereon.      Read &

*Ordered* that this Report be & hereby is accepted; And the Consideration of the Affair is further refer'd to the second Wednesday of the next May Session; And it is earnestly recommended to the Parties to compromise the Differences in the mean Time. [Passed April 21.

<sup>1</sup> No record of the appointment of the House committee has been found.

<sup>2</sup> This report has not been found.

## CHAPTER 314.

## ORDER REFERRING THE PETITION OF JAMES LEONARD IN REGARD TO FRAUDULENT DEALINGS AS TO A MORTGAGE.

A PETITION of James Leonard of Taunton, complaining of the fraudulent Dealings Of his Son in Law Thomas Cobb, by whom he sent a Sum of money for the Discharge of a Mortgage he had formerly made of his Land to the Commiss<sup>s</sup> of the £50,000 Loan, & the said Cobb purchased the said Land for himself with that Money, praying for relief from this Court.

Read and

*Order'd* that the Consideration of this Petition be referr'd to the Second Thursday of the next May Session. [Passed April 21.

Legislative Records of the Council, xviii., 465. Mass. Archives, cii., 425.

Mass. Archives, cii., 423—426. Legislative Records of the Council, xviii., 481. House Journal, pp. 176, 189.

## CHAPTER 315.

VOTE ACCEPTING THE REPORT OF THE COMMITTEE AB<sup>T</sup> AN ANONYMOUS LETTER.

SAMUEL WELLES Esq<sup>R</sup> from the Committee on his Excellency's Message referring to the threatnng Letter sent to one of his Maj- esty's Council, gave in the following Report

The Committee appointed to Consider of his Excellency's Message of this Day are of Opinion, that all possible means should be used to detect & punish the horrid Crimes his Excellency refers to & to prevent such heinous & detestable Practices for the future: And therefore they humbly apprehend it to be proper for the two Houses to desire & advise his Excellency to issue a Proclamation<sup>1</sup> promising a Reward of two hundred Pounds Bills of the last Emission to any Person or Persons who shall inform or discover one or more concerned in this Wicked Conspiracy, so that he or they may be convicted; And that if the Informer shall have been an Accomplice or engaged in the said Crime, he shall be forgiven: And to the End the greater Horror & Destestation may be raised in the Minds of his Majesty's good Subjects with respect to this atrocious & execrable Design; The Committee humbly report as their Opinion that the two Houses desire his Excellency to insert in the Proclamation the Sum & Substance of the Anonymous Letter refer'd to in the Message, & some of the impious, insolent & inhuman Message verbatim; that thereby all his Majesty's good Subjects may see how reasonable & necessary it is that they join universally in their Endeavours to bring forward to Examplary Punishment the profligate & abandond Wretches concern'd in this wicked & impudent Combination: The Committee would propose that some Gentlemen of Each House be appointed to prepare the Draught of a Bill for the more easy & effectual preventing or detecting such abominable & dangerous Crimes hereafter, to be laid before this Court at the Beginning of their Session in May next.

April 21. 1749. By Order of the Comm<sup>tee</sup>

SAM<sup>L</sup> WELLES.

<sup>1</sup> The Governor issued the proclamation, see Register of Commissions and Proclama- tions, 1734—1757, p. 85; and the bill referred to, passed August 18, 1749, see Province Laws, iii., 479, chap. 7.

Read & Accepted, And M<sup>r</sup> Speaker & M<sup>r</sup> Hubbard with such as the Hon<sup>ble</sup> Board shall Join are a Committee to prepare the Draught of a Bill accordingly. [Passed April 21.<sup>1</sup>

## CHAPTER 316.

Legislative  
Records of the  
Council, xviii.,  
482. Mass.  
Archives,  
ixxiii., 421.

House Jour-  
nal, p. 192.  
*Ante*, p. 181,  
chap. 110.

### VOTE CONTINUING YE PAY AND SUBSISTENCE OF YE GARRISON AT FORT DUMMER & HINSDELL'S FORT.

*Voted* that the Pay and Subsistance of fifteen Men at Fort Dummer and five Men at Hinsdell's Fort which expired the first of March last be further continued from that time to the last of May next. [Passed April 22.

## CHAPTER 317.

### ORDER IMPOWERING THE SELECTMEN OF BOSTON TO MAKE REPAIRS AT THE HOSPITAL WHARF ALSO THE HOUSE AND BARN ON RAINS-FORDS ISLAND.

Legislative  
Records of the  
Council, xviii.,  
483. Mass.  
Archives, xii.,  
657.

Mass.  
Archives, xii.,  
655-657. House  
Journal,  
pp. 186, 191, 192.

A MEMORIAL of the Select Men of the Town of Boston setting forth the Need there is of Repairing & enlarging the Hospital Wharff at Rainsford Island, & of having a Boat built for the Use of the Hospital & praying for the Order of this Court thereon

Read and

*Ordered* that the Select Men of the Town of Boston be directed in the cheapest manner to Cause to be built upon Rainsford Island another piece of Wharffe of twenty feet square, and fourteen feet high in the Front; at about twenty feet distance from the present wharffe to have a communication therewith by a Bridge of Timber or Plank on the Top, leaving it hollow below, that the Gravel may pass through and that they oblige the Keeper of the Hospital to keep this Passage as well as the Head of the Wharffe constantly clear.

*Ordered* also that the s<sup>d</sup> Select Men be directed to make the necessary repairs on the House and Barn on said Island. [Passed April 22.

## CHAPTER 318.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE PETITION OF BENJAMIN GUILD AND STAY OF PROCEEDINGS ORDERED.

Legislative  
Records of the  
Council, xviii.,  
435. Mass.  
Archives,  
ixxiii., 285.

Mass.  
Archives,  
ixxiii., 279, 280.  
Legislative  
Records of the

A PETITION of Benjamin GUILD of Attleborough, shewing that he has been a Soldier by Inlistment under Cap<sup>t</sup> John Foster, from the Year 1744, Notwithstanding which, he, (being accidentally in the Town of Wrentham) was impressed by Cpt. Nathaniel Ware, & brought before a Justice of the Peace at Boston who obliged him to pay the Sum of Three Pounds eleven Shillings & six pence; Praying for Releif from this Comt.

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is April 22.

The Committee to whom the Consideration, of the Pet<sup>n</sup> of Benjamin Guild was referred haveing heard the parties concern'd Find Council, xviii.,  
that the Pet<sup>r</sup> did truely belong to Capt John Fosters Military Com- 460. House  
pany; And That Capt Ware had no Right to Impress the Pet<sup>r</sup> That Journal,  
the Said Foster Did Afterwards Impress him, And that He paid Ten pp. 132, 163, 133.  
pounds to free Himself from the Service Agreeable to Law And That  
the prosecutinge him afterwards as a Deserter was Illegal, Are There-  
fore of Opinion That all proceedings Ag<sup>st</sup> the Pet<sup>r</sup> in the Law on this  
Account be Stayed and that his Recognizance taken before M<sup>r</sup> Jus-  
tice Waldo be Declared Void

Which is Submitted by

EZEK: CHEEVER p ord<sup>r</sup>

[Read and]

Ordered That this Report be Accepted And That All proceedings  
In the Law Ag<sup>st</sup> the Pet<sup>r</sup> on the Affair within mentioned be and  
hereby are Stayed And that his Recognizance Declared Void Ac-  
cordingly. [Passed April 22.



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RESOLVES, ORDERS, VOTES,  
ETC.

PASSED 1749-50.



# LEGISLATIVE LIST<sup>1</sup>

FOR

1749-50.

HIS EXCELLENCY WILLIAM SHIRLEY, [*until September 11,<sup>2</sup> 1749*],  
CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC.

SPENCER PHIPS, LIEUTENANT GOVERNOR [*Acting Governor from September 15,<sup>3</sup> 1749*].

JOSIAH WILLARD, ESQ.,  
SECRETARY OF THE PROVINCE.

## COUNCILLORS OR ASSISTANTS.

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of the Massachusetts Bay;*

JOHN OSBORNE	} ESQRS.	SAMUEL DANFORTH	} ESQRS.
EZEKIEL LEWIS		WILLIAM FOYE	
FRANCIS FOXCROFT		JOHN GREENLEAF	
JOSIAH WILLARD		SAMUEL WATTS	
JACOB WENDELL		JOHN QUINCY	
THOMAS BERRY		JOHN CHANDLER	
JOSEPH WILDER		EZEKIEL CHEVER	
BENJAMIN LYNDE		JOSEPH PYNCHON	
DANIEL RUSSELL		THOMAS HUTCHINSON	

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of New Plymouth;*

JOHN CUSHING	} ESQRS.	SYLVANUS BOURN	} ESQRS.
GEORGE LEONARD		JOHN OTIS	

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Province of Mayne;*

SIR WILLIAM PEPPERIL, BARONET, JEREMIAH MOULTON & JOHN HILL, ESQRS.

*Of the Inhabitants of or Proprietors of Lands within the Territory lying between the River of Sagadahock & Nova Scotia;*

JOHN WHEELWRIGHT, Esq.

<sup>1</sup> See Legislative Records of the Council, xix., 1-4.

<sup>2</sup> Executive Records of the Council, xii., 122.

<sup>3</sup> Ibid.

*For the Province, at large:—*

JAMES MINOT & ANDREW OLIVER, ESQRS.

### REPRESENTATIVES OR DEPUTIES.

*May 31, 1749 to April 20, 1750.*

MR. JOSEPH DWIGHT, SPEAKER.<sup>1</sup>

COUNTY OF SUFFOLK.	COUNTY OF MIDDLESEX — Concluded
<i>Boston, . . .</i> James Allen, Esq.,	Watertown, . . Mr. Jonas Bond.
Thomas Hubbard, Esq.,	Concord, . . Capt. Ephraim Jones.
Mr. John Tyng,	Woburn, . . Mr. Josiah Pierree.
Samuel Waldo, Esq.	Reading, . . Capt. Thomas Eaton.
<i>Roxbury, . . .</i> Joseph Heath.	Newtown, . . Thomas Greenwood, Esq.
<i>Dorchester, . . .</i> Mr. Thomas Wiswall.	Sudbury, . . Ephraim Curtis, Esq.
<i>Milton, . . .</i> Samuel Miller, Esq.	Groton, . . William Lawrencee, Esq.
<i> Braintree, . . .</i> Major William Hunt.	Marlborough, . . Mr. Samuel Witt.
<i>Weymouth, . . .</i> Mr. Thomas Pratt.	Framingham, . . Col. Joseph Buckminster.
<i>Hingham, . . .</i> Mr. Jacob Cushing.	Billerica, . . Capt. Thomas Kiddier.
<i>Dedham, . . .</i> Joseph Richards, Esq.	Lexington, . . Mr. Isaac Bowman.
<i>Medfield, . . .</i> Mr. Seth Clark.	Chelmsford, . . Capt. Samuel Chamberlain.
<i>Wrentham, . . .</i> Mr. Ebenezer Fisher.	Malden, . . Mr. Joses Bucknam.
<i>Stoughton, . . .</i> Mr. Joseph Illewen, Jr.	Weston, . . Mr. Joseph Livermore.
<i>Brooklyn, . . .</i> Samuel White, Esq.	Medford, . . Andrew Hall, Esq.
<i>Chelsea, . . .</i> Nathaniel Oliver, Jr., Esq.	Littleton, . . Jonathan Preseot, Esq.
COUNTY OF ESSEX.	<i>Stow, . . .</i> Mr. Phineas Rice.
<i>Salem, . . .</i> Mr. James Jeffry.	<i>Walham, . . .</i> Capt. Samuel Livermore.
<i>Ipswich, . . .</i> John Choat, Esq.,	COUNTY OF HAMPSHIRE.
Daniel Appleton, Esq.	<i>Springfield, . .</i> Josiah Dwight, Esq.
<i>Newbury, . . .</i> Mr. Benjamin Greenleaf.	<i>Northampton, . .</i> Timothy Dwight, Esq.
<i>Lyn, . . .</i> Capt. Benjamin Newhall.	<i>Hatfield, . . .</i> Israel Williams, Esq.
<i>Marblehead, . . .</i> Mr. John Bailey.	<i>Hadley, . . .</i> Mr. Nathaniel Kellog.
<i>Andover, . . .</i> Capt. Benjamin Stevens. <sup>2</sup>	<i>Westfield, . . .</i> Mr. David Mosely.
<i>Beverly, . . .</i> Mr. Daniel Conant.	<i>Deerfield, . . .</i> Ebenezer Hinsdale, Esq.
<i>Rowley, . . .</i> Capt. John Hobson.	COUNTY OF WORCESTER.
<i>Salisbury, . . .</i> Mr. Stephen Merrill.	<i>Worcester, . . .</i> Benjamin Flagg, Esq.
<i>Harerhill, . . .</i> Mr. Nathaniel Saunders.	<i>Lancaster, . . .</i> Samuel Willard, Esq.
<i>Glocester, . . .</i> Joseph Allen, Esq.	<i>Mendon, . . .</i> Mr. Nathaniel Nelson.
<i>Amesbury, . . .</i> Thomas Rowell, Esq.	<i>Brookfield, . . .</i> Joseph Dwight, Esq.
<i>Boxford, . . .</i> Mr. Thomas Reddington.	<i>Shrewsbury, . . .</i> Mr. Isaac Temple.
<i>Topsfield, . . .</i> Mr. Jacob Peabody.	<i>Leicester, . . .</i> Mr. John Brown.
<i>Bradford, . . .</i> Mr. William Hardy.	<i>Westborough, . . .</i> Mr. Francis Whipple.
COUNTY OF MIDDLESEX.	<i>Sutton, . . .</i> Mr. Benjamin Woodberry.
<i>Cambridge, . . .</i> Andrew Boardman, Esq.	<i>Harrard, . . .</i> Mr. Daniel Pierce.
<i>Charlestown, . . .</i> Isaac Royal, Esq.,	<i>Oxford, . . .</i> Mr. Benjamin Davis.
Mr. James Russell.	<i>Bolton, . . .</i> Mr. John Wheteomb.

<sup>1</sup> On January 18, 1749, Thomas Hubbard was chosen Speaker pro tempore. — Legislative Records of the Council, xix., 123.

<sup>2</sup> The House Journal, p. 4 (1749), reads, "Capt. James Stevens."

COUNTY OF WORCESTER — *Concluded.*

*Southborough*, . Capt. Timothy Brigham.  
*Upton*, . . . Capt. Haz Hazelton.<sup>1</sup>

## COUNTY OF PLYMOUTH.

*Plymouth*, . . Thomas Foster, Esq.  
*Scituate*, . . Capt. Caleb Torrey.  
*Duxbury*, . . Gamaliel Bradford, Esq.  
*Marshfield*, . . Mr. Thomas Foster.  
*Bridgewater*, . . Capt. Daniel Howard.  
*Middleborough*, Peter Oliver, Esq.  
*Pembroke*, . . Isaac Little, Esq.  
*Plimpton*, . . Mr. William Churchill.  
*Rochester*, . . Mr. Samuel Wing.  
*Hanover*, . . Mr. David Stockbridge.

## COUNTY OF BARNSTABLE.

*Barnstable* . . James Otis, Esq.  
*Sandwich*, . . Samuel Tupper, Esq.  
*Yarmouth*, . . Joseph Thatcher, Esq.  
*Eastham*, . . Samuel Knowles, Esq.  
*Hurwich*, . . Mr. Edward Bangs.  
*Falmouth*, . . Rowland Robinson, Esq.

## COUNTY OF BRISTOL.

*Taunton*, . . Samuel White, Esq.  
*Rehoboth*, . . Mr. Daniel Barney.  
*Dartmouth*, . . Capt. Nathaniel Sole.  
*Norton*, . . Mr. Josiah White.  
*Attleborough*, . . Capt. Samuel Tyler.  
*Dighton*, . . Capt. Elnathan Walker.  
*Freetown*, . . Mr. John Winslow.  
*Swanzey*, . . Capt. Jonathan Slade.

## COUNTY OF YORK.

*York*, . . . Capt. Thomas Bragdon  
*Kittery*, . . . Simon Frost, Esq.  
*Berwick*, . . . Mr. Moses Butler.  
*Wells*, . . . John Storer, Esq.  
*Falmouth*, . . Capt. Moses Pierson.

## DUKES COUNTY.

*Edgar Town*, . . John Norton, Esq.  
*Chilmark*, . . Zacheus Mahew, Esq.

## IN THE COUNTY OF NANTUCKET.

*Sherburn*, . . Mr. Abishai Folger.

<sup>1</sup> The House Journal, p. 4 (1749), reads, "Capt. John Hazeltine."



# RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-FIRST DAY OF MAY, A.D. 1749.

## CHAPTER 1.

### VOTE REQUESTING THE GOVERNOR TO APPOINT A PUBLIC FAST.

THE HOUSE takeing into consideration the Frowns of divine Providence we are under, more especially in the early & extream Drought, as well as in the great Increases of devouring Insects, whereby the Frnits of the Earth are in great Danger of being utterly destroyed, which we cant but look upon, as plain Indications of the divine Displeasure, for our many Sins & loudly call on us, to make a publick acknowledgment of, as well as to repent & reform, with ont which, we cant expect that God will be reconciled to us & shew us Mercy

Legislative Records of the Council, xix., 5. Mass. Archives, xii., 679.

House Journal, p. 9. Love's Fast and Thanksgiving Days of New England, p. 496.

*Voted.* That his Excellency the Gov<sup>r</sup> be requested, with the Advice of the Council, as soon, as may be, to appoint a Day of solemn Fasting & prayer, thrô out the Province for imploeing the Commiseration of almighty God, in the forgiveness of our Sins, which expose us to his Anger, & that he would be pleased to grant us the rain of Heaven, necessary for satisfying the thirsty Earth & that he would rebuke & remove devouring Insects, that so there may be a Sufficiency of Food both for Man & Beast, & above all that he would rain down Righteousness upon us, that we may be an holy & so an happy People.<sup>1</sup> [Passed\* June 3.<sup>2</sup>

## CHAPTER 2.

### ORDER CONFIRMING A PLAT OF 700 ACRES OF LAND TO ELIAS VAN SCHAAACK.

A PLAT of Seven hundred Acres of Land laid out by Oliver Patridge Esq<sup>r</sup> Surveyor & Chain men on Oath, lying between Ashuelot Equivalent, & Land granted to Cpt. Seth Dwight, near the East Branch of Housatanuck River, in Part Satisfaction of a Grant made by the General Courts Committee to Elias Van Schoak of One thousand Acres, the other Three hundred Acres being heretofore laid out & confirmed by the General Court as an Equivalent of his Right & Interest in the Indian Town on Housatanuck River now called Stockbridge.

Legislative Records of the Council, xix., 7. Mass. Archives, xlii., 195.

Mass. Archives, xlvi., 194. House Journal, p. 13. Province Laws, xii., 508, chap. 79; 582, chap. 30.

Read and

<sup>1</sup> The fast was appointed June 15, 1749, and was public.

<sup>2</sup> This date is according to Mass. Archives; according to Legislative Records of the Council and the House Journal the date is June 2.

*Ordered* that the within Plat be accepted and the land herein delineated and described be and hereby is confirmed to the within named Elias Vanschaak His Heirs and Assigns forever in full Satisfaction for the Grant of one thousand Acres. Provided the Plat exceeds not the quantity of Seven hundred Acres and does not Intefere with any former Grant. [Passed June 6.]

## CHAPTER 3.

### VOTE FOR CONTINUING THE ESTABLISHM<sup>T</sup> OF THE PAY & SUBSISTENCE OF THE FORCES ON THE FRONTIERS AND VOTES IN REGARD TO THE POSTING THEREOF.

Legislative  
Records of the  
Council,  
xix., 8.

Mass.  
Archives,  
lxxiii., 457.  
House Jour-  
nal, pp. 14, 16.  
*Ante*, p. 240,  
chap. 278.

*Voted* that the Establishm<sup>t</sup> of the Pay & Subsistence of the Forces on the Frontiers that expired the 31<sup>st</sup> of May last be further continued to the tenth of June Instant; & from thence to the first of July next, there be Pay & Subsistence granted & allowed to Two hundred & fifty four Men only; And that His Excellency the Captain General be desired to give Order for the Reduction of the said Forces to the Number of Two hundred & fifty four Men (including Officers) accordingly; But in case a Peace with the Indians be concluded on, at any time, before the Establishm<sup>t</sup> expires, that then his Excellency be desired to give Order for the Dismission of so many of the said Two hundred & fifty four Men, as are not posted in the Forts & Block Houses built at the Charge of the Province: Also

*Voted* that his Excellency be desired to give Order that the said Two hundred & fifty four Men be posted in the following manner; viz, At the Truck house at St Georges River, Thirty Men; At the Block house there, Fifteen Men; Pemaquid, Fourteen Men; Richmond, Fourteen; Fort George, Six; Saco Block house Ten; Philips Town [Ten<sup>1</sup>]; Gorham Town, Five; New Marblehead, Five: Also

*Voted* that what Number of Non Commission Officers & private Men are now in the Service of this Province in the Eastern Part thereof, exclusively of those specially destined & posted at other Places, & who are not Inhabitants of the Eastern Country, Provided they exceed not Eighty in number, with their Officers be continued at North Yarmouth & Eastward: At Massachusetts Fort, Twenty Men; Pelham Fort, Five; Shirley Fort, Five; Fort Dummer, Fifteen; Number, Four, Fifteen; Ashuelots, Five, to be Inhabitants. [Passed June 9.]

## CHAPTER 4.

### ORDER IMPOWERING PRUDENCE STODDARD, ADMINISTRATRIX, TO EXECUTE A DEED.

Legislative  
Records of the  
Council,  
xix., 9. Mass.  
Archives, cxv.,  
506.

Mass.  
Archives, cxv.,  
504. House

A PETITION of Jacob Wendell of Boston Esq<sup>r</sup> shewing that he purchased one of the Townships granted them, by the General Court, & undertook to perform the Conditions of the Grant, that the said Township was laid out to him at a Place called Pontooocook, that the Petitioner afterwards sold two Thirds of the said Grant to Philip Livingstone & John Stoddard Esq<sup>rs</sup> who were obliged to carry

<sup>1</sup> Inserted from Mass. Archives, lxxiii., 457.

on their Parts of the Settlem<sup>t</sup> That the said John Stoddard is since deceased, whereby the Settlement<sup>t</sup> is retarded; & therefore Praying that M<sup>rs</sup> Prudence Stoddard, Widow of the Deceased, & Guardian of his Children (who are all Minors) may be impowered, by this Court, to act in the Affair of Settling the s<sup>d</sup> Township, as fully in all respects, as the Heirs might do, in case they were of full Age.

Journal, pp. 11,  
15. Province  
Laws, xii., 455,  
chap. 229.

Read and

*Ordered* that Prudence Stoddard Adm<sup>x</sup> on the Estate of John Stoddard Esqr Dec'd and Gwardian to the Heirs of said Deceased be fully Authorized and Impowered to make and execute a good Deed or Deeds of the said Heir's Part and Proportion of the seventeen Settling Rights mentioned. Provided the said Guardian give sufficient Security to the Judge of Probate for the County of Hampshire, that the produce thereof be Secured and improved for the Use of said Heirs and Accounted for to them, as they respectively arrive at Age. And that the said Prudence be further impowered to Transact the affairs of Settling the Township in this Pet<sup>n</sup> mentioned according to the conditions on which the same was granted, as fully and amply as the said Minors might do at full age. [Passed June 9.]

## CHAPTER 5.

### ORDER IMPOWERING ZECH<sup>A</sup> BRACKET TO DEFEND TITLE TO LAND.

A PETITION of Zechariah Bracket of Ipswich, shewing that Anthony Bracket of Boston brought his Writ in an Action of Ejectment against the Petitioner & two others, at the Inferior Court of Common Pleas, held in the County of York in July last, that the Action went against the Petitioner by Default, by reason of his being a Soldier on the Frontiers, Praying that he may be admitted to a Trial of the said Cause at the next Superior Court for the said County, with the other two Defendants, who have carried the Cause there by Appeal.

Legislative  
Records of the  
Council,  
xix., 10. Mass.  
Archives, xlii.,  
832.

Read and (the Attorney of the adverse Partie consenting thereto)

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted. And the Pet<sup>r</sup> is hereby enabled to appear at the next Sup<sup>r</sup> Court for the County of York in order to defend his Title to the Land mentioned And the Justices of s<sup>d</sup> Court are hereby Impowered and Directed to admit such his appearance the default mentioned notwithstanding. [Passed June 9.]

Mass.  
Archives, xlvi.,  
831. House  
Journal, p. 17.

## CHAPTER 6.

### ORDER ALLOWING £12. 10 TO JON<sup>A</sup> STANHOPE.

A PETITION of Jonathan Stanhope, Praying that this Court would make him some Grant for his Relief under Wounds he has received from the Indian Enemy, in the publick Service, whereby he is much disabled.

Legislative  
Records of the  
Council,  
xix., 10. Mass.  
Archives,  
lxxiii., 449.

Read and

*Ordered* that the Treasurer be directed to pay to Col<sup>o</sup> Buckminster the Sum of twelve pounds ten Shillings for the Pet<sup>r</sup>s Use and present Relief. [Passed June 10.]<sup>1</sup>

House Jour.  
nal, pp. 15, 17.

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council and the House Journal the date is June 9.

## CHAPTER 7.

ORDER DECLARING THE PROCEEDINGS AT A MEETING IN THE DOUGLASS DISTRICT NULL AND VOID, CALLING A NEW MEETING AND APPOINTING A COMMITTEE TO MAKE A NEW LIST OF RATEABLE ESTATES.

Legislative Records of the Council, xviii., 461; xix., 11.

Mass. Archives, cxv., 448. House Journal, pp. 167, 168 (April, 1749); p. 22.

A PETITION of a Number of Inhabitants of the District of Douglass, complaining of the irregular Proceedings of the Inhabitants in the last March Meeting, & Praying that it may be set aside & another called for chusing Officers & other Matters to be regulated according to Law.

Read together with the Vote of said District pass'd the 5<sup>th</sup> Instant, & Ordered that the Proceedings of the said District at their Annual Meeting in March last be, & they hereby are Declared void & of none Effect And that John Harwood Esq<sup>r</sup> be impowered to issue forth a Warrant directed to the Constable of Douglas for the Year 1748, requiring him to notify the qualified Voters to assemble & meet together on the second Monday of July next for the Choice of Town Officers (and to act as a Moderator at said Meeting) to stand till the Annual Meeting in March next.

And whereas there has been a considerable Alteration in the Improvement<sup>s</sup> in said District since the last Valuation,

Ordered that Mess<sup>rs</sup> Caleb Hill, Joseph Titus, & Thomas Cook (or any two of them) on Oath take a new List or Valuation of the rateable Estate both Real & Personal there, & lay the same before the Meeting for the Moderator to Govern the said Meeting by. [Passed June 12.]

## CHAPTER 8.

VOTE FOR USING THE PROVINCE TIMBER IN BUILDING THE WHARF AT RAINSFORDS ISLAND.

Legislative Records of the Council, xix., 11. Mass. Archives, xiv., 339.

House Journal, p. 21. Apte, p. 254, chap. 317.

WHEREAS the Select Men of the Town of Boston, by a Vote of this Court of 22<sup>d</sup> April past, were directed in the cheapest manner to cause to be built upon Rainsford Island, another p<sup>e</sup> of Wharfe, of 20 feet Sq<sup>r</sup> & 14 feet high, & whereas there is a Quantity of Timber belonging to the Province, w<sup>ch</sup> lays partly at the Eastward & partly at Castle William & Gov<sup>s</sup> Island, w<sup>ch</sup> if not seasonably taken care of, will be entirely lost

Voted, that the Select Men of Boston be impowered & directed at the Charge of the Province, to cause to be transported from the Eastw<sup>d</sup> on the Easiest Terms, whatever Timber they shall find there belonging to the Province & make use of the Same in building the p<sup>e</sup> of Wharfe aforesaid, & in case of an Overplus, to dispose of the same for the best Advantage of the Province & to pay the N<sup>t</sup> Proceeds thereof into the Province Treasury; But in case of a Deficiency, that they apply to the Captain Generall, for leave to take off from the Castle & Gov<sup>r</sup> Island what Timber shall be necessary to compleat the s<sup>d</sup> Wharfe & improve it for the s<sup>d</sup> Purpose. [Passed June 12.]

## CHAPTER 9.

## ORDER ALLOWING THE ACCT OF THE TRUSTEES OF THE HASSANIMISCO INDIANS.

AN ACCOMPT presented by John Chandler, John Jones & Edward Baker Esq<sup>rs</sup> Trustees for the Hassanimisco Indians, of their Receipts & Disbursements, and the Improvement of their Stock the last Year

Read &

*Ordered* that the within Accompt be Allowed; & that the Ballance thereof, being the sum of Ten Pounds nineteen shillings & nine pence, the said Trustees are further accountable for. [Passed June 12.]

Legislative Records of the Council, xix., 12.

House Journal, pp. 10, 22. Province Laws, xiii., 326, chap. 227.

## CHAPTER 10.

## ORDER IN REGARD TO ATTESTING OATHS.

A MEMORIAL of Timothy Dwight Esqr Judge of the Probate of Wills for the County of Hampshire, Setting forth that John Stoddard (now deceas'd) the late Judge, left in the said Office divers Minutes of Oaths administer'd to Witnesses on Wills, & to Executors & Administrat<sup>rs</sup> on Inventories & Accompts, not attested under his Hand according to y<sup>e</sup> usual Practice of y<sup>e</sup> County, Praying for the Direction of this Court in y<sup>e</sup> Affair.

The Committee, appointed to consider the within Memorial, have attended that Service, & are of Opinion that the Memorialist, late Register of Probate for said County, be impowered, in his said Capacity, to Attest such Oaths, as were Administred by the said late Judge, to Witnesses to Wills, & to Executors & Administrat<sup>rs</sup> respecting any Inventories or Accompts, or any other Matter, whereof the said Judge took & hath left Minutes only; And that such Attestations be deemed Valid & effectual to all Intents & Purposes.

By Order of the Comm<sup>tee</sup> FRA. FOXCROFT.

Read and

*Ordered* that This Report be and hereby is accepted and the Said Timothy Dwight impowered and directed to attest the Said Oaths; and Such attestation deem'd valid and effectual accordingly. [Passed June 12.<sup>1</sup>]

Legislative Records of the Council, xix., 8, 13. Mass. Archives, xviii., 434.

Mass. Archives, xviii., 433. House Journal, pp. 17, 21.

## CHAPTER 11.

## ORDER CONFIRMING THE PROCEEDINGS AT A MEETING OF THE HOLDEN PROPRIETORS.

A PETITION of the Proprietors of the Common & undivided Lands in the Town of Holden Praying that this Court would confirm their Votes made for raising a Tax on the Lands of the resident & Non resident Proprietors of three half pence p Acre for one Year for finishing their Meeting House & supporting the Minister of the said Town, Pass'd Feby 2<sup>d</sup> 1748.

Legislative Records of the Council, xviii., 481. Mass. Archives, cxv., 432.

Mass. Archives, cxv., 451. Legisla-

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is June 13.

Legislative Records of the Council, xix., 13. House Journal, pp. 160, 187 (April, 1749); p. 23.

Read and it appearing that the non-Resident Proprietors of the Town of Holden have been notified, agreeable to the Order of this Court of the twentieth of April last, and no Answer given in;

*Ordered* That the Prayer of the Petition be granted and that the Votes of the Said proprietors pass'd at their Meeting on the Second day of February 1748, be and hereby are ratified and confirmed, and the Several Officers mentioned in the pet<sup>n</sup> impowered to assess, collect and pay in the Same to the Treasurer accordingly, for the Purposes within mentioned. [Passed June 13.]

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## CHAPTER 12.

Legislative Records of the Council, xix., 14.

House Journal, p. 259 (April, 1748). Ante, p. 225, chap. 237.

### ORDER ALLOWING £12. 12. 11 TO JOHN BREWER.

*Ordered* that the Treasurer be directed to pay to John Brewer, or Order, the sum of Twelve Pounds, twelve shillings & eleven pence, in order to make up the Deficiencies of the sum, granted to him, for eighty five Weeks two days Billeting Canada Soldiers, as pass'd the 9<sup>th</sup> of April 1748.<sup>1</sup> [Passed June 14.]

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## CHAPTER 13.

### ORDER ALLOWING THE ACCT OF THE TREAS<sup>R</sup> OF WORCESTER COUNTY.

Legislative Records of the Council, xix., 14.

House Journal, pp. 9, 26.

AN ACCOMPT presented by Patrick Hayward, Treasurer of the County of Worcester for the Year 1748, Having been laid before the Court of General Sessions of the Peace for the said County & by them Allowed.

Read &

*Ordered* that the within Accompt be allowed, & the Ballance there, being Ten Pounds eleven shillings & six pence the said Treasurer be further accountable to said County for. [Passed June 14.]

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## CHAPTER 14.

### ORDER ALLOWING £12. 5 AND A GUN TO MARY HITCHCOCK.

Legislative Records of the Council, xix., 14. Mass. Archives, lxxiiii., 437.

House Journal, pp. 24, 26.

A PETITION of Mary Hitchcock, shewing that her Husband Nathan Hitchcock was taken by the Enemy, when in the Service of the Province (being then well cloathed & having a good Gun of his own) & died in Captivity, Praying that she may be allowed for his Gun & Cloaths & the Wages due to him.

Read and

*Ordered* that the Province Treasurer be directed to pay to Cap<sup>t</sup> Dwight for the Use of the Pet<sup>r</sup> twelve pounds five Shillings out of the Treasury. And that the Commissary Gen<sup>l</sup> be directed to deliver him a good Gun out of the Province Store. [Passed June 14.]

<sup>1</sup> Not found in the House Journal.

## CHAPTER 15.

ORDER ERECTING THE INHAB<sup>TS</sup> OF MERRICONEAG NECK AND ISLANDS  
ADJACENT INTO A PRECINCT.

A PETITION of the Inhabitants of Merriconeag Neck & the Islands adjacent within the Town of North Yarmouth, setting forth the great Difficulties they are under in attending on the publick Worship of God there by reason of their great distancee & inconvenient situation, Praying that they may be erected into a distinct and separe<sup>1</sup> Precinct.

Read and

*Ordered* that the prayer of the Petition be Granted and That the Lands & Island mentioned in the Petition togather with the Gore of Land So called Lying between North Yarmouth & Brunswick with the North East part of the Island called great Sebaskadegon with the Inhabitants that are or may be Settled thereon be & hereby are Erected into a Distinct & Seperate precinct to Enjoy all powers and priviledges as other preeinets by Law do Enjoy. & that Cap<sup>t</sup> John Stover a principall Inhabitant there is hereby Impowered to call the first precinct Meeting Sometime in y<sup>e</sup> month of July Next for the Choice of precinct Officers to continue to y<sup>e</sup> Annuall meeting in March Next. [Passed June 14.

Legislative Records of the Council, xix., 15. Mass. Archives, xii., 659.

Mass. Archives, xii., 658–661. House Journal, p. 26.

## CHAPTER 16.

ORDER ALLOWING £172 TO EBEN<sup>R</sup> TERREY AS A DISCOUNT ON AN EXECUTION.

Legislative Records of the Council, xix., 15. Mass. Archives, lxxiii., 380.

ON THE PETITION of Ebenezer Terrey, [*ante*, p. 242, chap. 284]

*Ordered* that the Sum of One hundred Seventy two pounds Old ten<sup>r</sup> be discounted on the Execution against him being so much returned Eliakim Hutchinson Esq<sup>r</sup> as appears by his Receipt. [Passed June 14.

Mass. Archives, lxxiii., 379. House Journal, pp. 22, 24. *Ante*, p. 242, chap. 284.

## CHAPTER 17.

## VOTE FOR A TRANSFER OF DIVERS APPROPRIATIONS.

WHEREAS several of the sums by the last A<sup>c</sup>t for the Supply of the Treasury, appropriated for the Payment of the respective Services therein mentioned, are exhausted; & there being a Surplusage of several other Appropriations in the said Act, now remaining in the Hands of the Treasurer;

Therefore

*Voted* that a Transfer be made of the several sums, following; viz, The sum of Four thousands Pounds, being part of Nine thousand Pounds, (a Surplusage of the Appropriation for Comissary Stores,) be transfer'd & applied for the Payment of the Wages, that are due by vertue of the Establishm<sup>t</sup> of Castle William, &

Legislative Records of the Council, xix., 17.

House Journal, p. 28. Province Laws, iii., 408, chap. 3.

<sup>1</sup> *Sic.*

the other Forts & Garrisons upon the Eastern & Western Frontiers, & the Sloop in the Countrys service: And that the sum of Three thousand four hundred Pounds, being part of the sum of Seven thousand four hundred & fifty four Pounds, (a Surplusage of the Appropriation for Grants of this Court) be applied to the Payment of the Services where there is no Establishm<sup>t</sup> Two hundred & twenty five Pounds of said sum for Wooding Castle William. [Passed June 16.]

## CHAPTER 18.

### ORDER ALLOWING THE ACCT OF THE TREAS<sup>R</sup> OF YORK CO.

Legislative  
Records of the  
Council, xix.,  
17.

House Jour-  
nal, pp. 9, 28.

AN ACCOMPT presented by Jeremiah Moulton Esq<sup>r</sup> Treasurer of the County of York, for the Year 1748, Having been laid before the Court of General Sessions of the Peace for said County, & by them Allowed;

Read &

*Ordered* that the within Accompt be Allowed, The Ballance thereof, being Twenty nine Pounds six shillings and nine pence, the said County is accountable to said Treasurer for. [Passed June 16.]

## CHAPTER 19.

Legislative  
Records of the  
Council, xix.,  
19. Mass.  
Archives,  
xxxii., 627.

Mass.  
Archives,  
xxxii., 626.  
Legislative  
Records of the  
Council, xviii.,  
43. House  
Journal, p. 198  
(January,  
1746); p. 29.  
Province  
Laws, iii., 306,  
chap. 12. *Ante*,  
p. 11, chap. 12;  
p. 26, chap. 52;  
p. 53, chap. 133.

### ORDER FOR AN INQUIRY INTO THE COMPLAINT OF THE NANTUCKET INDIANS.

A PETITION of Paul Quaab of Nantucket Indian, for himself & the other Indians there, Complaining of great Injustice & Oppression from the English Inhabitants, as well by hindring them from the Improvem<sup>t</sup> of their Lands, as by their unjust Dealings with them in relation to the Whale Fishery; Praying that they may obtain Relief from this Court.

Read &

*Ordered* that the Gaurdians appointed for the Nantucket Indians inquire into the Matter of Complaint mentioned in the Petition, & report to this Court at their next Sitting.<sup>1</sup> [Passed June 17.]

## CHAPTER 20.

### ORDER ALLOWING £6. 17 AND A GUN TO PHINEAS LOVET. EXECUTOR.

Legislative  
Records of the  
Council, xix.,  
19. Mass.  
Archives,  
lxixiii., 432.

House Jour-  
nal, pp. 28, 29.

A PETITION of Phineas Lovet Executor of Daniel Lovet Deed<sup>d</sup> Praying that he may be allowed the Wages due to Samuel Lovet Son of the said Daniel who was taken at Fort Massachusetts, & also be paid for a Gun the said Samuel had when he was taken.

Read and in answer to this Petition

*Ordered* that the Treasurer be directed to Pay the Pet<sup>r</sup> Six pounds

<sup>1</sup> The guardians reported adversely to the complaint, and the report was accepted. See Legislative Records of the Council, xix., 136, House Journal, p. 150 (January, 1749), Mass. Archives, xxxii., 658.

seventeen shillings in consideration of the Sufferings of Dan<sup>l</sup> Lovett within named.

*Ordered* also that the Commissary Gen<sup>l</sup> be directed to deliver the Pet<sup>r</sup> a good Gun out of the Province Store. [Passed June 17.]

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## CHAPTER 21.

### ORDER REMITTING TO THE TOWN OF LEICESTER £25 FINE FOR NOT SENDING A REPRESENTATIVE.

A PETITION of John Brown, Represent<sup>ve</sup> of the Town of Leicester Praying in behalf of said Town that the Fine laid upon them the last Year, for not sending a Represent<sup>ve</sup> in Consideration of their Charges &c may be remitted

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted And that the Treasurer be directed to to<sup>1</sup> Pay to the Pet<sup>r</sup> twenty five pounds out of the Treasury for the Use of said Town accordingly. [Passed June 17.]

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## CHAPTER 22.

### ORDER ALLOWING £15 TO SAR. FURBUSH.

A MEMORIAL of Sarah Furbush, Praying for some Allowance from this Court in Consideration of her Husband Phineas Furbush's being taken by the Enemy at Fort Massachusets, & his Dying in his Captivity.

Read and in Answer to this Pet<sup>a</sup>

*Ordered* that the Treasurer be directed to pay to Mr Francis Whipple for the Use of the Pet<sup>r</sup> the Sum of fifteen pounds in consideration of the Sufferings of Phineas Furbush within named. [Passed June 17.]

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## CHAPTER 23.

### ORDER ESTABLISHING THE PAY OF THE GARRISON AT CASTLE WM.

*Ordered* that the Establishment of the Wages of the Officers Non Commission Officers and Private Men at His Maj<sup>es</sup> Castle W<sup>m</sup> from the 20<sup>th</sup> of Nov<sup>r</sup> 1748 to the 20<sup>th</sup> of Nov<sup>r</sup> 1749 be at the same rate with the last Establishment for that Fortress. And that for the future the Pay and Subsistance of fifty Men only, including Officers, be allowed there. [Passed June 17.]

<sup>1</sup> *Sic.*

Legislative Records of the Council, xix., 19. Mass. Archives, xlix., 257.

House Journal, p. 29. Province Laws, iii., 395, chap. 1.

Mass. Archives, lxxiii., 450.

House Journal, pp. 27, 29. Ixiii., 450.

House Journal, p. 28. Ante, p. 156, chap. 36.

## CHAPTER 24.

## ORDER CALLING A MEETING OF THE INHABITANTS OF THE TOWN OF STOCKBRIDGE, AND APPOINTING A COMMITTEE ON THEIR AFFAIRS.

Legislative  
Records of the  
Council, xviii.,  
391. Mass.  
Archives,  
xxxi., 607.

Mass.  
Archives,  
xxxi., 604-606;  
cxv., 430-432,  
473, 533. Legis-  
lative Records  
of the Council,  
xix., 19. House  
Journal, p. 71  
November,  
1748; pp. 28, 29.  
*Ante*, p. 241,  
chap. 281.

A PETITION of Ephraim Williams Esq<sup>r</sup> & others in behalf of the English and Indian Inhabitants of the Town of Stockbridge, shewing that they have had two Meetings warned for the chusing of Officers, but have both failed by reason of some Mistake in the Manner of warning them & other Difficulties; Therefore Praying that this Court would make some Determination respecting the Qualifications of the Indians in these Matters, & regulate them as to their Conveyances of Lands.

In the House of Repres<sup>ves</sup>

Read, and

*Ordered* that this Petition be revived and that the Select Men of the Town of Stockbridge for the Year 1747 be & hereby are empowered and directed to convene the Inhabitants of said Town as soon as may be, to chuse such Officers as may be necessary to transact their Town Affairs. And it is further

*Ordered* that the Committee appointed by this Court to repair to Hoosuck, & lay out two Townships there, repair also to the Town of Stockbridge and inquire into that part of the Petition which respects their Lands, & report as soon as may be what they judge proper for this Court to do thereon, The Charge to be born as this Court shall order.

In Council Read & Concur'd with the Amendm<sup>t</sup> viz<sup>t</sup> And that Jacob Wendell Esq<sup>r</sup> be of the Com<sup>ttee</sup> so far as relates to this Petition.

In the House of Repres<sup>ves</sup> Read & Concur'd. [*Passed June 19.*<sup>1</sup>

## CHAPTER 25.

## ORDER ASSESSING A TAX OF ONE HALF PENNY PER ACRE ON LAND IN THE NORTH WESTERLY QUARTER OF THE TOWN OF RUTLAND.

Legislative  
Records of the  
Council, xix.,  
21.

Mass.  
Archives, cxv.,  
453-458. House  
Journal, p. 32.  
*Ante*, p. 234,  
chap. 265.

ON THE PETITION of the Proprietors of Rutland, [*ante*, p. 234, chap. 265]

Read, & It appearing that the Non resident Proprietors had been notified, Agreeable to the foregoing Order; And no Answer or Objection being made; Therefore

*Ordered* that there be a Tax of One penny half penny, of the last Emission, per Acre, Annually, levied & assessed upon every Standard Acre in the North westerly Quarter of Rutland, now erected into a separate District (excepting only upon the Land granted to the Minister & School) for the Term of five Years next ensuing; for erecting a Meeting House, Settling & Maintaining a Minister, & laying out & clearing Roads therein; or for any other Service of a publick Nature; And the Assessors of the said District for the time being are hereby empowered to assess the said Lands; And the Collectors or Constables to collect & pay in the same to the Treasurer of the said District for the Time being. [*Passed June 20.*<sup>2</sup>

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is June 17.

<sup>2</sup> This date is according to Mass. Archives; according to Legislative Records of the Council and the House Journal the date is June 19.

## CHAPTER 26.

ORDER OF NOTICE WITH STAY OF EXECUTIONS ON THE PETITION OF  
NATH'L RICHARDSON FOR NEW TRIALS.

A PETITION of Nathaniel Richardson, shewing that at the Inferior Court held in the Counties of Middlesex & Suffolk in October & January 1746, James Barret of Malden recovered Judgment against him, by Default, in two Bonds, & the sum stated in Lawful Money; And forasmuch as the Petitioner was then in his Majestys Service at Annapolis Royal & so prevented from tendering his Oath, That there was no Agreement made or intended for Silver Money; & so he lost the Benefit of the Law in that respect; Therefore Praying that he may be allowed new Trials on the said Suits, & Executions stayed in the mean time

Legislative Records of the Council, xix., 22. Mass. Archives, xlii., 842.

Mass. Archives, xlii., 840. House Journal, pp. 32, 33.

Read and

*Ordered* that the Pet<sup>r</sup> serve the adverse Partie with a copy of this Pet<sup>r</sup> that He shew cause if any he hath on the first tuesday of the next Sitting of this Court why the Prayer thereof should not be granted. And the Executions within mentioned are Stayed in the mean time. Provided the Pet<sup>r</sup> give Sufficient Security to the Sheriff of the County of Suffolk to pay what Sum shall be finally adjudged due with Lawful Interest from this time. [Passed June 20.

## CHAPTER 27.

VOTE REFERRING THE PETITION OF JAMES LEONARD IN REGARD  
TO FRAUDULENT DEALINGS AS TO A MORTGAGE.

Legislative Records of the Council, xix., 22. Mass. Archives, cit., 426.

Mass. Archives, cit., 423. House Journal, pp. 17, 34. *Ante,* 314.

ON THE PETITION of Cpt. James Leonard, [*ante*, p. 253, chap. 314]

*Voted* that the further Consideration of this Petition be refer'd to the first Fryday of the next<sup>1</sup> Sitting of this Court. [Passed June 21.

## CHAPTER 28.

## VOTE FOR CLOATHING PIGWACKET INDIANS.

Legislative Records of the Council, xix., 22. Mass. Archives, xxxi., 631.

Legislative Records of the Council, xvii. (4), 455. House Journal, p. 34. Province Laws, xlii., 597, chap. 11.

IT BEING REPRESENTED to this Court that the Pigwacket Indians under the care and protection of this Goverment are almost destitute of Cloathing.

*Voted* that the Commissary General be directed to provide suitable Cloathing for said Indians. Viz For four men. Six Women and Nine Children; the Sum to be Expended for that purpose not to Exceed Sixty Nine pounds. [Passed June 21.

<sup>1</sup> MS. mutilated.

## CHAPTER 29.

## ORDER FOR ADJOURNING THE BARNSTABLE COUNTY COURTS.

Legislative  
Records of the  
Council, xix.,  
23. Mass.  
Archives, xiii.,  
852.

House Jour-  
nal, p. 35.  
Province  
Laws, iii., 64,  
chap. 32.

WHEREAS divers of the Justices of the Court of General Sessions of the Peace & Inferior Court of Common Pleas which by Law were to have been held at Barnstable in the County of Barnstable on the last Tuesday of June current, are Members of this Court; And the important Affairs of the Province now depending require their Attendance thereon; Wherefore

*Ordered* that the said Courts be adjourned to the first Tuesday of July next, And that all Officers and Persons concerned in said Courts, conform themselves Accordingly. [Passed June 21.]

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## CHAPTER 30.

## ORDER IMPOWERING DEBORAH WARNER AND JOSEPH PROCTOR, EXECUTORS, TO SELL AN ESTATE.

Legislative  
Records of the  
Council, xix.,  
24. Mass.  
Archives,  
xviii., 439.

Mass.  
Archives,  
xviii., 438—446.  
House Jour-  
nal, p. 36.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Deborah Warner & Joseph Proctor, Executors of the last Will & Testament of William Warner Dec<sup>d</sup> shewing that his personal Estate falls much short of discharging the Debts, of the Deceased; & Praying that they may be impowered to sell two Thirds of a Piece of Land in Boston, with the Fish Ware house, Coopers Shop, & Black Smiths Shop thereon, & that the Petitioner Joseph Proctor, as Guardian to the Children of the Deceased, may be impowered to sell the other Third of the said Estate which belongs to the said Children in Right of their Mother dec<sup>d</sup>

Read &

*Ordered* That the Prayer of the Petition be so far granted as that the Petitioners in their Capacity of Executors & the Petitioner Joseph Procter in his Capacity of Guardian be allowd & impower'd to sell the Warehouse, Coopers Shop & Smiths Shop with the Land belonging thereto as set forth in the petition & in due form of Law to execute a Deed thereof conveying all the said William Warner's Right & Title which at the time of his Death he enjoyd to such person as shall give most for the same; provided the petitioners give Bond to the Judge of Probate for the County of Suffolk w<sup>th</sup> sufficient Suretys to account for the proceeds according to Law and that they observe the Direction of the province Law relating to Notifications pass'd in the sixth year of his late Majesty King George I. Cap. 3<sup>d</sup> & that in letting out the Minors Interest they ascertain the Value thereof. [Passed June 22.]

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## CHAPTER 31.

## ORDER ALLOWING £7. 10 AND A GUN TO JOS. BADCOCK.

Legislative  
Records of the  
Council, xix.,

A PETITION of Joseph<sup>1</sup> Badeock, shewing that he was taken Prisoner while in the Service of the Province, & carried to Canada,

<sup>1</sup> "Jason," in Mass. Archives and the House Journal.

Praying that he may be allowed Wages during his Captivity, & for his Gun taken with him

Read and

*Ordered* that the Treasurer be directed to pay to M<sup>r</sup> Whipple Seven pounds ten Shillings for the Use of the Pet<sup>r</sup> in consideration of his Sufferings abovementioned

Also

*Ordered* that the Commissary Gen<sup>l</sup> be directed to deliver him a good gun out of the Province Store. [Passed June 22.]

24. Mass.  
Archives,  
lxviii., 451.

House Jour.  
nal, pp. 15, 16,  
35.

## CHAPTER 32.

### ORDER ALLOWING £18. 15 TO JOS. PENNIMAN.

A PETITION of Joseph<sup>1</sup> Pennyman of Medfield, Praying that he may be allowed for him self & his Daughter the sum of Five Pounds Old Tenor for so much in the Bills of this Province, belonging to them, which was consumed when his House was burnt down on the twelfth of April last.

Read and

*Ordered* that the Treasurer be directed to pay to the Pet<sup>r</sup> the sum of Eighteen pounds Sixteen shillings in consideration of the Loss abovementioned. [Passed June 23.]

Legislative  
Records of the  
Council, xix.,  
25. Mass.  
Archives,  
lxxvii., 49.

House Jour.  
nal, pp. 23, 37.

## CHAPTER 33.

### ORDER ALLOWING £3. 7 TO JOS. GOULD.

A PETITION of Joseph Gould, Praying that he may be allowed, out of the publick Treasury, the Charges of a long Sickness, which he contracted during his being in the service of the Province, on the Western Frontiers;

Read and

*Ordered* that the Treasurer be directed to pay to Col<sup>o</sup> Buckminster for the Use of the Pet<sup>r</sup> the sum of Three pounds Seven Shillings in full consideration for his Sickness and Sufferings above mentioned. [Passed June 23.]

Legislative  
Records of the  
Council, xix.,  
26. Mass.  
Archives,  
lxix., 461.

House Jour.  
nal, pp. 29, 39.

## CHAPTER 34.

### ORDER ALLOWING £6 TO ALEX. TARRANT.

A PETITION of Alexander Tarrant of Salem, Praying for some further Allowance from this Court, for the grievous Wounds he received at the Siege of Louisburgh by which he is still disabled from labouring for his Support

Legislative  
Records of the  
Council, xix.,  
26. Mass.  
Archives,  
lxix., 466.

Read and

*Ordered* that the Treasurer be directed to pay to M<sup>r</sup> Jeffrey the Sum of Six pounds for the relief of the Pet<sup>r</sup> in consideration of his Sufferings within mentioned. [Passed June 23.]

Mass.  
Archives,  
lxix., 466.  
House Jour.  
nal, p. 37.  
*Ante*, p. 184,  
chap. 119.

<sup>1</sup> "James," in the House Journal.

## CHAPTER 35.

## ORDER ALLOWING THE ACCOUNT OF COL. JOSIAH WILLARD.

Legislative  
Records of the  
Council, xix.,  
26. Mass.  
Archives,  
Ixxiii., 451.

Mass.  
Archives,  
Ixxiii., 453, 455.  
House Jour.  
nal, pp. 23, 28,  
39. *Ante*,  
p. 187, chap.  
128.

A MEMORIAL of John Wheelwright Esq<sup>r</sup> Commissary General, shewing that Coll. Josiah Willard has been employed, under him, for providing Subsistence, for a Part of the Forces, in the Western Frontiers; & has brought in his Accompts; And for as much as there is no stated Allowance, Praying that this Court would settle the said Allowance, that the said Accompts may be discharged;

Read and it appearing to this Court that the abovenamed Josiah Willard has been in advance for billeting Soldiers Viz At N° 4. Twelve Shillings and seven pence per Week At Ashuelots Eleven Shillings one penny three farthings At Fort Dunmer<sup>1</sup> Seven Shillings three pence three farthings Cap<sup>t</sup> Melvin's Voluntiers Eleven Shillings Eleven pence At Northfield. Eight Shillings. Therefore

*Ordered* that the Commissary General be directed to Settle the said Willard's vietnalling Account in order for payment at the said Rates accordingly. [Passed June 23.]

## CHAPTER 36.

VOTE DESIRING THE GOVERNOR TO GIVE ORDERS FOR ENLISTING  
100 MEN FOR THE WESTERN FRONTIERS.

Legislative  
Records of the  
Council, xix.,  
27. Mass.  
Archives,  
Ixxiii., 471.

House Jour.  
nal, p. 44.

*Voted* that His Excellency be desired to give Orders for raising as soon as may be One hundred effective men as near the Frontiers as may be Consistent with His Majies Service by Enlistment or Impress for the Service and Protection of the Western Frontiers 25 of them to be Posted at N° 4, 10 at the Ashuelots, 5 at Fall Town five at Colerain 5 at Northfield and 50 to be Employed in Scouting. The Establishment to continue till the first of September. [Passed June 24.]

## CHAPTER 37.

Legislative  
Records of the  
Council, xix.,  
27. Mass.  
Archives,  
Ixxiii., 456.

Mass.  
Archives,  
Ixxiii., 456.  
House Jour.  
nal, p. 41.  
Province  
Laws, xlii., 573,  
chap. 292.

## ORDER ALLOWING £12. 10 TO TERENCE CANE.

A PETITION of Terence Cane, Praying for some further Allowance from this Court, in Consideration of the Wounds he received at the Siege of Lonisburgh, whereby he is still disabled from Labouring for his Support.

Read and

*Ordered* that the Treasurer be directed to pay to the Pet<sup>r</sup> Twelve pounds ten Shillgs out of the Treasury. for his relief &c. [Passed June 24.]

<sup>1</sup> *Sic.*

## CHAPTER 38.

ORDER OF NOTICE WITH STAY OF PROCEEDINGS ON THE PETITION OF  
W<sup>m</sup> DAVENPORT & OTHERS OF THE DISTRICT OF DOUGLAS IN RE-  
GARD TO A MEETING.

A PETITION of William Davenport & Joseph Robins, a Committee for the District of Douglas, shewing that upon the said Districts being served with a Copy of the Petition of Caleb Hill & others, to this Court, Complaining of irregular Proceedings in a District Meeting in said Place, for the Choice of Officers &c, and the said Districts Committee were to make Answer to the said Complaint, the said Petitioners made Offers for an Accomodation; to which the other Inhabitants agreed; but the other Party have receeded from it; by which means the Petitioners are prevented from giving in their Answer in season; Therefore Praying that the Petitioners may be heard before any Determination be had by this Court on the said Affair

Read &

*Ordered* that the Petitioners serve the District of Douglas with a Copy of this Petition, that they Shew cause if any they have on the first Fryday of the next Sitting of this Court why the Prayer thereof should not be granted: And all Proceedings on the Order of this Court of the 12<sup>th</sup> Instant are Stayed in the mean time.  
[Passed June 24.]

Legislative Records of the Council, xix., 28. Mass. Archives, cxv., 462.

Mass. Archives, cxv., 461, 463, 465-468. House Journal, pp. 22, 41. *Ante*, p. 266, chap. 7.

## CHAPTER 39.

ORDER ALLOWING £7 TO NATH<sup>L</sup> HIX.

A PETITION of Nathaniel Hix, shewing that, by reason of Wounds, which he received at the Siege of Louisbourg, he still remains a Cripple, Therefore Praying for some further Allowance from this Court.

Read and

*Ordered* that the Treasurer be directed to pay to Simon Frost Esqr the Sum of Seven pounds for the present relief of the Pet<sup>r</sup>.  
[Passed June 27.]

Legislative Records of the Council, xix., 30. Mass. Archives, lxxiii., 433.

Mass. Archives, lxxiii., 433. House Journal, pp. 11, 45. *Ante*, p. 8, chap. 2.

## CHAPTER 40.

ORDER ALLOWING £1. 1. 11 AND A FURTHER SUM OF £6. 6. 3 TO JOHN ULMER.

A PETITION of John Ulmer, shewing that he served as Drum Major in the late Expedition against Cape Breton, but has been allowed Pay only as an other Drummer, Praying that his Pay may be made up to him, & that he may be allowed the Expence he was at in repairing the Drums.

Read and

*Ordered* that the Sum of One pound One Shilling and eleven pence (being the difference between a private Drummers Pay and that of a Drum Major) be allowed the Pet<sup>r</sup> by the Comm<sup>e</sup> of War  
Also

Legislative Records of the Council, xix., 30. Mass. Archives, lxxiii., 464.

Mass. Archives, lxxiii., 462-465. House Journal, pp. 35, 46.

*Voted* that the further Sum of Six pounds Six shillings and three pence by <sup>1</sup> allowed by Said Comm<sup>e</sup> to the Pet<sup>r</sup> to discharge his Acc<sup>t</sup> Annexed. [Passed June 27.]

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## CHAPTER 41.

### ORDER ALLOWING THE ACCT OF THE TREAS<sup>R</sup> OF MIDDLESEX CO.

Legislative  
Records of the  
Council, xix.,  
30.

House Jour-  
nal, pp. 9, 40.

AN ACCOMPT presented by Daniel Russell Esq<sup>r</sup> Treasurer of the County of Middlesex for the year 1748, having been laid before the Court of General Sessions of the Peace for the said County & by them Allowed;

Read &

*Ordered* that the within Accompt be allowed, & the Ballance thereof, being Twenty four Pounds eighteen shillings & seven pence the said Treasurer is further accountable to said County for. [Passed June 27.]

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## CHAPTER 42.

### ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF W<sup>M</sup> NICHOLS FOR A NEW TRIAL.

Legislative  
Records of the  
Council, xix.,  
31. Mass.  
Archives, xlvi.,  
825.

Mass.  
Archives, xlvi.,  
823. House  
Journal, p. 45.

A PETITION of William Nichols one of the Under Sheriffs of the County of Suffolk, shewing that upon a Review, at the Superior Court for said County, of an Action brought originally against the Sheriff by Joseph St Lawrence & others for a pretended Mal Service of the Petitioners, the Cause being refer'd by a Rule of the Court, & the Referrees making no Report, Judgment was made up by the Court against the Petitioner, in his Absence, for Default; And therefore Praying that he may have an other Trial & the Execution stayed.

Read and

*Ordered* that the Pet<sup>r</sup> serve the with in named Joseph St Lawrence with a copy of this Pe<sup>tn</sup> that He shew cause if any He hath on the first thirsday of the next Sitting of this Court why the Prayer thereof should not be granted.

And Execution within mentioned is stayed in the mean time. [Passed June 27.]

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## CHAPTER 43.

### ORDER ALLOWING £10 TO JOHN NORTON, ESQ<sup>R</sup>, ATTORNEY FOR JOHN HARPER.

Legislative  
Records of the  
Council, xix.,  
31. Mass.  
Archives,  
lxiv., 343.

Mass.  
Archives,  
lxiv., 342.

A PETITION of John Norton Esq<sup>r</sup> Attorney to John Harper, shewing that there was an Allowance made to the said Harper, for the Hire of the Schooner Hopewell & the Wages of the Seamen, she being impressed in the service of the Province at Canso in the Year 1745; But foras much as the Papers were burnt in the Town House, Praying that the said Allowance may be revived.

<sup>1</sup> Legislative Records of the Council, xix., 30, reads, "be."

Read and

*Ordered* that the Comm<sup>ee</sup> of War be directed to pay to John Norton Esq<sup>r</sup> or Order the Sum of ten pounds in full for the Hire and Wages of the Schooner and Men within mentioned. [Passed June 27.]

House Journal, pp. 40, 46.  
Province Laws, xiii., 465,  
chap. 1; 634,  
chap. 121.

## CHAPTER 44.

### ORDER ALLOWING THE ACCT OF THE TREASURER OF BARNSTABLE CO.

AN ACCOMPT presented by John Gorham Esq<sup>r</sup> Treasurer of the County of Barnstable, for the Year 1748, Having been laid before the Court of General Sessions of the Peace for the said County & by them Allowed;

Legislative Records of the Council, xix., 31.

Read &

*Ordered* that the within Accompt be Allowed, & the Ballance thereof, being Fifty three Pounds ten shillings the Treasurer is further accountable to said County for. [Passed June 27.]

House Journal, pp. 9, 40.

## CHAPTER 45.

### ORDER ALLOWING £47. 10. 1 $\frac{1}{4}$ FOR THE SUPPORT OF THE PIGWACKET INDIANS.

AN ACCOMPT presented by Thomas Foster Esq<sup>r</sup> of the Charge of supporting the Indians of the Pigwacket Tribe, within this Province, Pursuant to an Order of the General Court, Amounting to the Sum of £47. 10. 1 $\frac{1}{4}$ .

Legislative Records of the Council, xix., 31.

Read &

*Ordered* that this Accompt be Allowed; & that the Treasurer be directed to pay to Thomas Foster Esq<sup>r</sup> for the Use of the Comm<sup>ee</sup> the sum of Forty seven Pounds ten shillings & one penny farthing,<sup>1</sup> accordingly. [Passed June 27.]

House Journal, pp. 49, 50.  
Province Laws, xiii., 597,  
chap. 11.

## CHAPTER 46.

### ORDER ALLOWING £25 TO ABRA. BELKNAP.

A PETITION of Abraham Belknap, late Door Keeper to his Excellency & the General Court, Setting forth his Service, in the said Office & the Difficulties he has passed thrô therein which has occasioned his Loss of Health, & therefore Praying for some further Allowance from this Court:

Legislative Records of the Council, xix., 13.  
Mass. Archives, xlix., 256.

Read and

*Ordered* that the Treasurer be directed to pay to the Pet<sup>r</sup> Twenty five pounds in full Satisfaction for his Service as Doorkeeper. [Passed June 28.<sup>2</sup>

House Journal, pp. 48, 49.  
Ante, p. 196,  
chap. 153.

<sup>1</sup> This reads "three Farthings" in the House Journal, p. 50. So also in the preamble in Legislative Records of the Council, xix., 31.

<sup>2</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is June 13.

## CHAPTER 47.

## ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE PETITION OF JOHN MILLER IN REGARD TO REFEREES DECISION.

Legislative Records of the Council, xix., 15, 32. Mass. Archives, xlii., 83.

Mass. Archives, xlii., 833–837. House Journal, pp. 40, 45, 51.

A PETITION of John Miller of Middleborō, shewing that in divers Actions depending in the Superior Court for the County of Plymouth, between him and one Jabez Woods, the Parties submitted their Differences to a Rule of Court, that Judgment was made up according to the Report of the Referees; which happened to contain divers Mistakes, manifestly prejudicial to the Petitioner, that the Referees drawing a new Report agreeable to their Judgment; which the Petition<sup>r</sup> offered to the Judges at their Court at Boston, they refused to act upon it; Therefore Praying that the said Superior Court may be impowered to receive the said Report, examine into the same, & give Judgment & award Execution according to the true Intent of the Referees.

The Committee, to whom was refer'd the Petition of John Miller, having fully heard the Parties, & considered thereon, are of Opinion that the Referees be impowered to reconsider the Report mentioned in said Petition; & alter & amend the same, as they shall judge reasonable; & make Report of their Doings thereon, at the next Superior Court to be held at Plymouth, within & for the County of Plymouth on the second Tuesday of July next; & that the said Court be enabled to make up Judgment & award Execution accordingly.

Read &

*Ordered* that this Report be accepted. [Passed June 28.]

Legislative Records of the Council, xix., 32. Mass. Archives, xviii., 600.

Mass. Archives, xviii., 599. Legislative Records of the Council, xviii., 462. House Journal, p. 52. *Ante*, p. 251, chap. 310.

## CHAPTER 48.

ORDER REFERRING THE HEARING ON THE PETITION OF JN<sup>O</sup> AND SARAH LIDDEL, EXECUTRIX, IN REGARD TO COURT PROCEEDINGS.

*Ordered* that the Hearing on the Petition of John & Sarah Liddell (appointed to be had this day) be refer'd over to the first Tuesday of the next Sitting of this Court. [Passed June 28.]

## CHAPTER 49.

## ORDER IMPOWERING JAMES THOMAS, INDIAN, TO SELL LAND.

Legislative Records of the Council, xix., 32. Mass. Archives, xxxi., 625.

Mass. Archives, xxxi., 624. Legislative Records of the Council, xviii., 43. House Journal, p. 118 (January, 1746); p. 22. *Ante*, p. 146, chap. 13.

A PETITION of James Thomas of Tetticut<sup>1</sup> Indian, Praying that he may have Liberty to sell some Lands in the said Place, mentioned in a former Petition, prefer'd to this Court the last year, notwithstanding the Objections made against it by John Thomas; the Petitioner being the only Heir, & standing in Need of the Produce thereof, for his Support in his old Age.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be so far granted as that the Pet<sup>r</sup> be allowed (with the advice and consent of the Guardians app<sup>rd</sup> by the Court over s<sup>d</sup> Indian) to give a good and sufficient Deed of the land within mentioned. [Passed June 28.]

<sup>1</sup> The House Journal, p. 22, reads, “Middleborough.”

## CHAPTER 50.

## ORDER ALLOWING £10 TO JNO DAVIS.

A PETITION of John Davis, Praying for an Allowance from this Court, in Consideration of Wounds received from the Indian Enemy, while in the publick Service; whereby he is disabled from providing for his Support.

Legislative Records of the Council, xix., 32. Mass. Archives, lxxiii., 468.

Read and

*Ordered* that the Treasurer be directed to Pay to Cap<sup>t</sup> Newhal ten pounds for the Use and Relief of the Petitioner. [Passed June 28.

Mass. Archives, lxxiii., 468. House Journal, pp. 41, 50.

## CHAPTER 51.

ORDER ALLOWING £8. 10 AND A GUN TO DAVID OSGOOD, ADM<sup>R</sup>.

A PETITION of David Osgood, Brother & Administ<sup>r</sup> of Benjamin Osgood Dec<sup>d</sup> Praying to be allowed for a Gun, the said Benjamin (being a Soldier) had when he was taken by the Indian Enemy, as likewise for Twelve Pounds, in Bills of this Province, of the Old Tenor, which he then had with him, as also the Wages due to the said Benjamin.

Legislative Records of the Council, xix., 32. Mass. Archives, lxxiii., 432.

Read and

*Ordered* that the Province Treasurer be directed to pay the Pet<sup>r</sup> Eight pounds ten shill<sup>g</sup>s out of the Treasury in full discharge of this Pet<sup>n</sup>

Mass. Archives, lxxiii., 432. House Journal, pp. 47, 52.

And that the Commissary Gen<sup>l</sup> be directed to deliver the Pet<sup>r</sup> a gun out of the publick Store. [Passed June 28.

## CHAPTER 52.

## ORDER ALLOWING £8. 10 AND A GUN TO WM BLANCHARD.

A PETITION of William Blanchard, Praying that he may be allowed his Wages during his Captivity (he being taken by the Indian Enemy during his being in the publick Service,) & for a Gun he then lost.

Legislative Records of the Council, xix., 32. Mass. Archives, lxxiii., 434.

Read and

*Ordered* that the Treasurer be directed to pay the Pet<sup>r</sup> Eight pounds, ten Shillings out of the Treasury in full consideration for his Sufferings mentioned And that the Commissary Gen<sup>l</sup> be directed to deliver the Pet<sup>r</sup> a gun out of the Province Store. [Passed June 28.

Mass. Archives, lxxiii., 434. House Journal, pp. 47, 52.

## CHAPTER 53.

## ORDER IMPOWERING ELIZABETH OSGOOD AND JACOB DANFORTH TO PRESENT THEIR ACCOUNTS FOR THE MAINTENANCE OF THEIR MOTHER.

A PETITION of Elisabeth Osgood of Billerica in the County of Middlesex, shewing that she & her Brother Jacob Danforth have expended Four hundred Pounds for the Support of their aged Mother, her own Estate being in no measure sufficient for her

Legislative Records of the Council, xix., 33. Mass. Archives, xviii., 432.

Mass.  
Archives,  
xviii., 431.  
House Jour-  
nal, pp. 49, 51.

Support; That three of her Sons are deceased, & have left Children, that the Petitioner has applied to their Guardians, who refuse to pay any thing to her Support, And seeing it is thought that the Court of General Sessions of the Peace have no Power to relieve the Petition<sup>r</sup> Praying that this Court would order that the Charge of supporting the Petition<sup>r</sup>s Mother, as well as to the time past, as to the time to come, may be apportioned among her Children & Grand Children,

Read and

*Ordered* that the Prayer of the Pe<sup>m</sup> be so far granted as that the within named Elizabeth and Jacob Danforth be and hereby are enabled to lay their accompts for the Maintenance herein mentioned before the Court of Gen<sup>l</sup> Sessions of the Peace for the County of Middlesex, that they may Examine and Allow the Same, Who are also hereby directed and impowered as far as they shall Judge the same reasonable, as well for the time past, as for the time to come; and to Proportion the same among the Children and Grand Children of Rebecca within named. Who shall be obliged to Pay the same. And in case any or all of them refuse Payment, as said Sessions shall Order. The said Elizabeth Osgood and Jacob Danforth may severally take their Action or Actions of Debt against any or all of them that neglect or refuse to pay the proportion, the said Court shall sett upon them towards the Maintenance aforesaid. [Pusseed June 28.

## CHAPTER 54.

### ORDERS IN REGARD TO SETTLING BILLETTING ACCOUNTS.

Legislative  
Records of the  
Council, xix.,  
33. Mass.  
Archives,  
Ixix., 514.  
  
House Jour-  
nal, pp. 45, 51.  
  
Ante, p. 276,  
chap. 35.

A MEMORIAL of Coll. Josiah Willard, shewing there were divers Mistakes in settling the Rates of Victualling the Forces on the Western Frontiers by means of which he shall suffer great Damage, unless he be relieved by this Court, Praying that the said Mistakes may be rectified.

Read and

*Ordered* that the Commissary Gen<sup>l</sup> be directed in Settling the Accounts abovementioned to Add to the Billeting granted by the former Order. Viz<sup>t</sup> at N<sup>o</sup> 4. one penny half penny per Week.

At Fort Dummer Two Shill<sup>gs</sup> and Sixpence per Week. And that He deduet from Ashuelots Sixpence per Week. And from Cap<sup>t</sup> Melvin's Volunteers one Shilling per Week.

*Ordered* also that the S<sup>d</sup> Commissary allow the Pet<sup>r</sup> his Account of thirteen pounds Nineteen Shillings for Provisions Supplied Brig<sup>r</sup> Dwights men. [Passed June 28.

## CHAPTER 55.

### VOTE ON THE PETITION OF THE DUNSTABLE INHAB<sup>TS</sup> IN REGARD TO A MEETING HOUSE

Legislative  
Records of the  
Council, xix.,  
31. Mass.  
Archives, cxv.,  
509.

INASMUCH as the House for the publick Worship of God in Dunstable was not Erected within the time Limited by the Order of this Court of June 6<sup>th</sup> 1747. The Inhab<sup>ts</sup> of Groton and Nottingham have

lost the benefit of Incorporation with the Town of Dunstable. Therefore

Mass.  
Archives, cxv.,  
507, 510–514.  
House Jour-  
nal, pp. 21, 46,  
47. *Ante*,  
p. 12, chap. 14.

*Voted* that a Meeting House for the publick Worship of God be Erected as soon as may be on the East Side of the Road that Leads from Cap<sup>t</sup> Cummings to Simon Thompson's where the Timber for such a House now lies agreeable to the Vote of the said Town of Dunnstable on the 26<sup>th</sup> of May last. And that the said Inhabitants of Groton and Nottingham be and continue to be Sett off and annexed to the Town of Dunnstable to do duty and recieve Priviledge there, their neglect of complyance with the said Order of June 6<sup>th</sup> 1747 notwithstanding; unless the Major part of the Inhabitants and rateable Estate of Groton and Nottingham respectively shall on or before the first day of September next in writing under their hands Transnit to the Secretary's Office their desire not to continue so incorporated with the Town of Dunnstable as aforesaid.

PROVIDED also that in case the said Inhabitants of Groton and Nottingham shall signifie such that desire in manner and time as abovesaid, They be nevertheless Subjected to Pay and Discharge their proportion of all publick Town or Ministerial rates or taxes hitherto granted, or regularly laid on them, excepting the last Sum granted for building a Meeting house. And that the present Town Officers stand and execute their Offices respectively un[til]<sup>1</sup> the Anniversary Town Meeting at Dunnstable in March next. [Passed June 28.

## CHAPTER 56.

### VOTES TRANSFERRING DIVERS APPROPRIATIONS.

*Voted* that there be a transfer of three hundred and thirty pounds from the Appropriation for grants to the Appropriation for the Pay of the Members.

Legislative  
Records of the  
Council, xix.,  
36. Mass.  
Archives,  
xlix., 258.

*Voted* also that there be a Transfer of fifteen hundred pounds from the said appropriation to the appropriation for the defence of the Province. [Passed June 29.

House Jour-  
nal, p. 55.  
Province  
Laws, iii., 408,  
chap. 3.

## CHAPTER 57.

### RESOLVE ALLOWING £350 FOR EXPENSES OF COMMISSIONERS OF INDIAN TREATY £450 FOR PRESENTS TO THE INDIANS, WITH A FURTHER SUM OF £31. 10, AND £750 FOR THE INDIAN TRADE.

*Resolved* that the sum of Three hundred & fifty Pounds be Granted & paid out of the Publick Treasury to purchase necessary Supplies for the Expence of five Commissioners in the intended Treaty & for the support of the Indians while the Treaty is carrying on.

Legislative  
Records of the  
Council, xix.,  
36. Mass.  
Archives,  
xxxI., 633.

*Resolved* that a sum not exceeding Four hundred & Fifty Pounds be Granted to purchase presents for the Indians to be put into the hands of the Commissioners to be distributed at the discretion of said Commissioners, either in the whole or in part as the numbers of the Indians may be at the Treaty the Commissioners to be accountable.

Legislative  
Records of the  
Council, xix.,  
20, 21, 25 bis,  
26 bis, 29, 34 bis.  
House Jour-  
nal, p. 55.

*Resolved* that Thirty One Pounds ten shillings be granted to Pur-

<sup>1</sup> MS. mutilated; taken from Legislative Records of the Council.

chase Presents for the Norridgewalk and Penobscot Indians now in Boston.

*Resolved* that Seven hundred & fifty Pounds be Granted to purchase Necessary Goods & Provisions for the Indians Support to be Lodged in the Truck house of Georges & Richmond for that Purpose to be Sold by the Commanding Officers there agreeable to Instructions to be sent them for that Purpose. [Passed June 29.]

## CHAPTER 58.

Legislative  
Records of the  
Council, xix.,  
36. Mass.  
Archives,  
xlix., 259.  
House Jour-  
nal, p. 54.

### ORDER REFERRING ALL UNFINISHED MATTERS.

*Ordered* that all Matters which had day in this Session, and have not been passd on shall have the same day in the next Seting of this Court. [Passed June 29.]

## CHAPTER 59.

### ORDER ALLOWING THE ACCT OF THE TREAS<sup>R</sup> OF PLYMOUTH COUNTY.

Legislative  
Records of the  
Council, xix.,  
36.  
House Jour-  
nal, pp. 9, 55.

AN ACCOMPT presented by Edward Winslow Esq<sup>r</sup> Treasurer of the County of Plymouth for the Year 1748, Having been laid before the Court of General Sessions of the Peace for the said County, & by them Allowed;

Read &

*Ordered* that the within Accompt be Allowed; & that the Ballance thereof, being Four hundred & thirty three Pounds thirteen shillings & five pence, the said Treasurer is further accountable to said County for. [Passed June 29.]

## CHAPTER 60.

### ORDER FOR REPAIRS TO THE LIGHT HOUSE AND DWELLING HOUSE ON BEACON ISLAND.

Legislative  
Records of the  
Council, xix.,  
36. Mass.  
Archives,  
lxiv., 338.

A MEMORIAL of Cpt. Robert Ball Keeper of the Light House on Beacon Island, shewing that there are divers Repairs wanting to be made on the s<sup>d</sup> Light House, & the Dwelling House there; And Praying that this Court would give Order for effecting the same.

Read and

Mass.  
Archives,  
lxiv., 337.  
Legislative  
Records of the  
Council, xviii.,  
195. House  
Journal, p. 55.

*Ordered* that the Light house be forthwith painted for the benefit of said Building and that necessary Repairs be made to the Dwelling House. And that the Comm<sup>ee</sup> app<sup>ted</sup> by this Court See the same done in the cheapest manner. [Passed June 29.]

## CHAPTER 61.

### ORDER IMPOWERING THE INHAB<sup>TS</sup> OF QUABIN TO CALL A MEETING AND VOTE IMPOWERING THEM TO CALL AND SETTLE A MINISTER.

Legislative  
Records of the  
Council, xix.,

A MEMORIAL of the Inhabitants of a Place called Quabin, & the Proprietors of the Narraganset Township Number Four, lying partly

in Quabin & partly to the Westward of it, shewing that whereas there was a Number of the Inhabitants that were about to settle a Minister among them, & petitioned this Court to enable them to raise Money for that end; Since that time there has been a Proprietors Meeting, where it was unanimously apprehended, that the Method proposed would not be serviceable; And therefore Praying that this Court would not make any Order in favour of that Petition, & if they have, that they would please to revoke it; And that the said Inhabitants may be invested with the Powers of a Parish or Precinct, & may be enabled to raise Money for the Settlem't & Support of a Minister, as particularly mentioned.

<sup>36.</sup> Mass.  
Archives, xii.,  
654.

Mass.  
Archives, xii.,  
653. Legislative  
Records of the  
Council,  
xviii., 470.  
House Jour-  
nal, p. 54.

Read and

*Ordered* that the Inhabitants of Quabin be invested with the same powers and privileges that Parishes by Law are invested with or ought to Enjoy. And that Thomas Gibbs one of the Inhab'ts of said Quabin be fully Impowered to call their first Meeting.

*Voted* also that the said Inhabitants of Quabin be Impowered to call and settle a Minister and raise sufficient Money on all the Prop'r's and Grantees and other Persons who own Lands in s<sup>d</sup> Quolbin <sup>1</sup> as may be needful to defrey the Cost thereof. And that they Pay five hundred pounds Old ten'r (over and above the lands already sequestered for the Minister) for the Ministers Settlement. And five hundred pounds in like tenor for his first Year's Salary. [Passed June 29.

## CHAPTER 62.

### ORDER ALLOWING £12. 13 TO EDW<sup>D</sup> WINTER.

A PETITION of Edward Winter of Boston Blacksmith, Praying that he may be allowed out of the publick Treasury the Amount of his Accompt, herewith exhibited, of his Time & Trouble of Viewing the Irons of nine Persons committed to Boston Goal for Piracy, from January 1744, to July 1746.

Legislative  
Records of the  
Council, xix.,  
37. Mass.  
Archives,  
lxiv., 335.

Read &

*Ordered* That there be granted and allowed to be payd to the Petitioner Edw<sup>d</sup> Winter out of the Province Treasury the Sum of Twelve pounds Thirteen shillings In full for his Services In S<sup>d</sup> Petition mentioned. [Passed June 29.

Mass.  
Archives,  
lxiv., 333.  
House Jour-  
nal, pp. 47, 53.

## CHAPTER 63.

### ORDER INCREASING THE WAGES OF THE GARRISON AT CASTLE WILLIAM.

Legislative  
Records of the  
Council, xix.,  
37.

ON HIS EXCELLENCYS MESSAGE Referring to Castle William, Enter'd the 21<sup>st</sup> instant

Legislative  
Records of the  
Council, xix.,  
22. House  
Journal, p. 50.

*Ordered* that Five shillings, per Month be added to the present Establishment of the Soldiers at Castle William, that the Wages of the Non Commission Officers be raised in proportion. [Passed June 29.

Ante, p. 271.  
chap. 23.

<sup>1</sup> *Sic.*

## CHAPTER 64.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF  
JOS. PRINCE FOR A NEW TRIAL.

Legislative Records of the Council, xix., 37.

Mass. Archives, xliii., 464. House Journal, p. 48.

A PETITION of Joseph Prince, shewing that in an Action at the Superior Court in Boston, between the Petitioner, & John Wheelwright Esq<sup>r</sup> they submitted the Matter to a Rule of Court, that one of the Referrees had much Dealings with M<sup>r</sup> Wheelwright, & therefore could not be indifferent; Whieh the Petitioner did not know till after Judgment on the Award (which was against him) was made up; And therefore Praying for a new Trial; & that Execution be stayed in the meantime.

Read &

*Ordered* that the Petitioner serve John Wheelwright Esq<sup>r</sup> with a Copy of this Petition, that he may shew Cause, if any he hath, on the second Tuesday of the next Sitting of this Court, why the Prayer thereof sh<sup>d</sup> not be granted; & that Execution be stayed in the mean time, Provided the Petitioner give Security to the Sheriff of the County of Suffolk, to pay such sum as shall finally be recovered of him, with lawful Interest from this time. [Passed June 29.<sup>1</sup>

## CHAPTER 65.

ORDER ALLOWING £82. 7. 4 TO KATH. RUGGLES AND STEPHEN WIL-  
LIAMS, JR., ADMINISTRATORS.

Legislative Records of the Council, xix., 38. Mass. Archives, lxxiii., 426.

Mass. Archives, lxxiii., 424-427. House Journal, pp. 21, 51. Province Laws, xiii., 425, chap. 157; 441, chap. 212.

A MEMORIAL of Katherine Ruggles & Stephen Williams Jun<sup>r</sup> Administ<sup>rs</sup> on the Estate of Cpt. John Ruggles late of Roxbury Deed shewing that the said John Ruggles enlisted a Company of Soldiers for the late Expedition against Cape Breton, & paid them £132. 7. 4 Bounty & Billeting Money, allowed by this Governm<sup>t</sup> of w<sup>ch</sup> he had received but £50, as will appear by the Committees Books; And therefore Praying that the Sum, remaining due, may be paid to the Memorialists, for the Benefit of their Intestates Estate.

Read and

*Ordered* that Eliakim Hutchinson Esq<sup>r</sup> be directed to Pay the Pet<sup>rs</sup> Adm<sup>rs</sup> &c the sum of Eighty two pounds seven shill<sup>gs</sup> and four pence being the Ball<sup>a</sup> of his Accoun<sup>t</sup> They giving caution to the said M<sup>r</sup> Hutchinson to Apply the Money for the purposes herein Sett forth In case it should hereafter Appear that any of the Men born on the Roll have not been paid the Bounty and Billeting. [Passed June 29.

<sup>1</sup> This date is according to Legislative Records of the Council; legislative action in Mass. Archives is incomplete and no final date is given.

## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE SECOND DAY OF AUGUST, A.D. 1749.

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### CHAPTER 66.

#### ORDER IMPOWERING CPT. MOSES BENNET TO MAKE UP HIS MUSTER ROLL.

A PETITION of Cpt. Moses Bennet Commander of the Ship Massachusetts Frigate, Praying that an Establishm<sup>t</sup> may be made for the Men that he was obliged to keep in the Service, to take Care of the said Ship, when she was laid up; & that he may be allowed Twenty shillings per Week for their Subsistence.

Legislative Records of the Council, xix., 41. Mass. Archives, lxiv., 341.

Mass. Archives, lxiv., 340. House Journal, pp. 54, 60. *Ante*, p. 191, chap. 140.

[Committee's report] read and accepted and

*Ordered* that the Pett<sup>r</sup> be allowed to make up his Muster Roll for six Men from the first of Sep<sup>t</sup> to the 22<sup>d</sup> of Nov<sup>r</sup> past and from thence for three Men only to the first Day of July being the Number allowed by this Court on s<sup>d</sup> Ship att the Rate of the former Establishment and that fifteen shillings p<sup>w</sup> Week be allowed s<sup>d</sup> Pett<sup>r</sup> for billeting each Man for the Time they were employed in the Service of s<sup>d</sup> Ship. & On a Motion made & seconded

*Ordered* that usnal Wages be allowed to the Capt<sup>n</sup> and two Men only on board the Massachusetts Friggett from the first of July last to the first Day of October<sup>1</sup> next. [Passed August 4.

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### CHAPTER 67.

#### VOTE DESIRING THE GOVERNOR TO APPOINT A DAY OF THANKSGIVING.

THE HOUSE taking into the Consideration the remarkable Appearance of Divine Providence in the late plentiful Rains, wheby many of the perishing Fruits of the Earth are so far recovered, as that our Apprehensions of distressing Want, if not a grievous Famine are in a good measure removed; & in so far rebuking the devouring Insects; Which calls on us most thankfully & in a publick manner to acknowledge, so great a Favour, especially as we may hope it is bestowed in Answer of Prayer,

Legislative Records of the Council, xix., 41. Mass. Archives, xii., 683.

House Journal, p. 60. Love's Fast and Thanks-giving Days of New England, p. 496. *Ante*, p. 263, chap. 1.

Wherefore

*Voted* that his Excellency be desired by the Advise of his Maj-

<sup>1</sup> Both copies of Legislative Records of the Council read "July," evidently a mistake for October, as in Mass. Archives. See *post*, p. 374, chap. 276.

estys Council to issue his Proclamation for a publick and General Thanksgiving to that compassionate God who has heard our Cry in the Day in which we were in Trouble.<sup>1</sup> [Passed August 5.

## CHAPTER 68.

### ORDER OF NOTICE WITH STAY OF PROCEEDINGS ON THE PETITION OF JOHN GOODHUE & OTHERS OF CHEBACCO.

Legislative Records of the Council, xix.,  
42. Mass. Archives, xiii.,  
142.

Mass. Archives, xiii.,  
138-142. House Journal, p. 61.  
*Ante*, p. 166,  
chap. 65.

A PETITION of John Goodhue, Jacob Storey, Jeremiah Foster, Seth Storey & Josiah Burnham, shewing that the four first of them were chosen Trustees of the second Parish in Ipswich, called Chebacco, & the said Josiah Burnham Collector for the Year 1748; That the said Trustees, in the Execution of their Office, assessed a Tax, granted by said Parish, for satisfying a Judgment, recovered against said Parish, by Mr Pickering their late Pastor, & committed it to the other Petitioner Josiah Burnham, to collect; That the said Collector was obliged to arrest the Body of one Low, who refused to pay the said Tax, & had no Estate to levy it on; that the said Low sued & recovered Judgment against the said Burnham; Which Judgment was obtained principally for these two Reasons, that the Persons who assessed the Tax were called Trustees & not Assessors, and that the Warrant was without a Seal; And forasmuch as the Officers appointed to assess the Tax in said Parish, have always been chosen by the Name of Trustees for Fifty years past, & executed their Office under that Style without any Dispute, & the general Practice thrô out the Province has been to issue the Assessors or Selectmen Warrants without Seal; Praying that the Proceedings of the said Trustees & Collectors may be confirmed, notwithstanding the said Defects, & that the Petitioner Josiah may have the benefit of such Confirmation at his Trial of the said Action on the Review.

Read &

*Ordered* That The Petitioners serve Sam<sup>l</sup> Low with a Copy of this Petition That He & any others of the second Parish In Ipswich who apprehend themselves Effected hereby may shew Cause (If any they have) on the first Thursday of the next Sitting of this Court why the Prayer Thereof should not be granted & all further process In the Law for or against the S<sup>d</sup> Parish or any the Parishioners thereof as Such are Stayed In the mean Time. [Passed August 5.

## CHAPTER 69.

### ORDER ACCEPTING REPORT OF THE COMMITTEE ON THE PETITION OF YE DISTRICT OF DOUGLAS.

Legislative Records of the Council, xix.,  
42. Mass. Archives, cxv.,  
472.

Legislative Records of the Council, xix..

THE COMMITTEE, to whom was refer'd the Petition of William Davenport & Joseph Robins, [*ante*, p. 266, chap. 7] a Committee of the District of Douglas, Having fully heard the Parties, & maturely considered thereof, Do humbly Report that the Annual Meeting held at Douglas in March last, & the Proceedings therein, as well as of all other Meetings held there since that time, be declared void & of none

<sup>1</sup> The Thanksgiving was appointed for August 24, 1749, and was public.

Effect; And that all proceeding Meetings be deemed good & valid; And in order that they may proceed regularly, for the future; The Committee further humbly propose that M<sup>r</sup> Samuel Davis of Oxford, Cpt. Robert Taft of Mendon, & Cpt. John Farnham of Uxbridge be desired & empowered, at the Charge of said District, (on Oath) to take a List, or Valuation of the rateable Estate, both real & personal, belonging to the Inhabitants of Douglas; agreeable to Law; that so the qualified Voters may be known; & lodge the same with Robert Goddard Esq<sup>r</sup> a Justice of the Peace for the County of Worcester; And that He be empowered, thereon to issue forth a Warrant, directed to a Constable of Douglas for the Year 1748, requiring the qualified Voters there to assemble & meet at some suitable Time & Place, to elect & chuse all ordinary Town Officers; to stand until the Annual Meeting in March next; And that he preside & act as Moderator in said Meeting. All which is humbly submitted.

Per Order of the Comm<sup>tee</sup> JOHN CHANDLER

Read &

*Ordered* that this Report be Accepted. [Passed August 5.

## CHAPTER 70.

### VOTE GRANTING TO GYLES ALEXANDER LICENCE TO SELL STRONG DRINK.

A PETITION of Gyles Alexander of Wilmington, shewing that there being no Retailer of Spirituous Liquors in said Town, he is desired by the Inhabitants to un[der]take the said Business, Therefore Praying that the Court of General Sessions of the Peace for the County of Middlesex may be empowered to grant the Petitioner a Licence accordingly.

Legislative Records of the Council, xix., 43. Mass. Archives, cxix., 426.

Mass. Archives, cxix., 425.

[Read &]

*Voted* that the prayer of the Pett<sup>a</sup> be granted & the S<sup>d</sup> Court are hereby Impowered If they See Cause to grant Such Licence accordingly.<sup>1</sup> [Passed August 7.

## CHAPTER 71.

### VOTE IMPOWERING ESTHER ATOMAN, INDIAN, TO SELL LAND.

A PETITION of Esther Atoman of Harwich Indian, Praying for Liberty to sell a small Piece of Land, consisting of about four Acres, which first belonged to her Husband, & then to her Son (both now Dec<sup>d</sup>) for the Maintenance of a poor impotent Daughter.

Legislative Records of the Council, xix., 44. Mass. Archives, xxxi., 639.

Mass. Archives, xxxi., 638-640. Legislative Records of the Council, xviii., 43. House Journal, p. 63.

*Voted* that the Prayer of the Pett<sup>r</sup> be grated <sup>2</sup> & that the Pett<sup>r</sup> Hester Atomom have Liberty with the Assistance of the Guardians to the Indians to make sale of the Lands within Mentioned for the most they will fetch, the Proceeds to be applied for the Support of the Petitioner & Her S<sup>d</sup> Daughter from Time to Time by the S<sup>d</sup> Guardians Who shall be accountable to this Court. [Passed August 8.

<sup>1</sup> Not found in the House Journal.

<sup>2</sup> Sic.

## CHAPTER 72.

Legislative  
Records of the  
Council, xix.,  
45. Mass.  
Archives,  
xviii., 600.

House Jour-  
nal, p. 64.  
*Ante*, p. 280,  
chap. 48.

ORDER REFERRING THE PETITION OF JOHN & SAR. LIDDEL, EXEC-  
UTRIX, FOR A NEW TRIAL.

ON THE PETITION of John & Sarah Liddel, [*ante*, p. 251, chap.  
310]

*Ordered* that the above Hearing be further refer'd to the first  
Tuesday of the next Sitting of this Court. [Passed August 8.]

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## CHAPTER 73.

ORDER ALLOWING £75 TO THE SECRETARY FOR A CLERK.

Legislative  
Records of the  
Council, xix.,  
45. Mass.  
Archives,  
xix., 260.

House Jour-  
nal, pp. 64, 65.  
*Ante*, p. 169,  
chap. 71.

A MEMORIAL of Josiah Willard Esq<sup>r</sup> Secretary of this Province,  
setting forth that the time, to which the Allowance to him, for pro-  
viding Assistance in his Office, did extend, expired the 12<sup>th</sup> of June  
last; & Praying that an Allowance may be made for that Service  
for the Currant Year.

Read And

*Ordered* That The Sum of Seventy five pounds be allowed and  
paid to The Hon<sup>ble</sup> Josiah Willard Esq<sup>r</sup> Secretary of this Province  
to enable him to procure assistance for the Cnrrunt year In his S<sup>d</sup>  
office of Secretary. [Passed August 9.]

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## CHAPTER 74.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF  
MARY WOLCOT, ADMIX<sup>r</sup>, & JN<sup>o</sup> DODGE FOR A NEW TRIAL.

Legislative  
Records of the  
Council, xix.,  
45. Mass.  
Archives, xlvi.,  
845.

Mass.  
Archives, xlvi.,  
843-845. House  
Journal, p. 66.  
*Ante*, p. 237,  
chap. 272.

A PETITION of Mary Wolcot Administ<sup>x</sup> de Bonis Non of John  
Wolcot late of Salem Esq<sup>r</sup> Dec<sup>d</sup> & John Dodge of Wenham, shew-  
ing that whereas this Court were pleased to grant them a Trial  
of a Cause between them & Nathan Bowen of Marblehead, that  
at the time of the said intended Trial, their Papers, being left in  
their Attorneys Chamber, in his Absence, the Door being unlock'd,  
a principal Paper in the Cause was taken away; so that the Peti-  
tion<sup>rs</sup> were obliged to become Non Suit; And therefore Praying to  
be allowed an other Trial, & that all Proceedings in the Law in  
relation to their Affair may be stayed in the mean time

Read and

*Order'd* That the Petitioner Serve the adverse Party with a Copy  
of this Petition that he may Shew Cause, if any he hath, on the  
first Thursday of the next Sitting of this Court, why the Prayer  
thereof Should not be granted; and Execution withinmention'd is  
Staid in the mean time. [Passed August 9.]

## CHAPTER 75.

## VOTE FOR REDUCING THE EASTERN FORCES.

*Voted* That whereas the Establishment for the Forces in the Eastern Frontier (including Forts & Block Houses) for the Number of 189 men expired the first Day of July last yet Notwithstanding y<sup>t</sup> there be pay & subsistence allowed to s<sup>d</sup> Forces from the s<sup>d</sup> first Day of July to the 20<sup>th</sup> current & after that there be pay & Subsistence for 70 Men only in said Eastern Frontier, including Officers to the tenth of October next and that his Excellency be desired to give Order that the said 70 Men be posted in the following Order (and that the rest may be dismissed) Viz: Att the Trunk House on St Georges River 20 Men. Att y<sup>e</sup> Block House there 10 Men Att Pem-equid 10 Men. Att Richmond 14 Men Att Fort George 6 Men. Att Saco Block-House 10 Men. [Passed August 10.]

Legislative Records of the Council, xix., 46. Mass. Archives, Ixxiii., 536.  
House Journal, p. 67.  
*Ante*, p. 264, chap. 3.

## CHAPTER 76.

## ORDER GRANTING TO MARY PERKINS LICENCE TO KEEP A TAVERN.

A PETITION of Mary Perkins of Gloucester, shewing that the House wherein she dwells, being near the Harbour, is commodiously situated for a Tavern, & that she is urged by a great Number of the Inhabitants there to engage in that Business And therefore Praying that this Court would impower the Court of General Sessions of the Peace to grant her a Licence:

Legislative Records of the Council, xix., 46. Mass. Archives, cxi., 174, 175. House Journal, pp. 65, 66.

Read &

*Ordered* That the prayer of the petition be so far granted as that the Justices of the General Sessions of the Peace for the County of Essex be & hereby are impowered at their next Session, (if they see Cause) to grant the Pet<sup>r</sup> a Licence to keep a Tavern accordingly; The Time for granting of Licencies being elapsed Notwithstanding. [Passed August 10.]

Mass. Archives, cxi., 174, 175. House Journal, pp. 65, 66.

## CHAPTER 77.

## ORDER IMPOWERING NATH'L BALL, ADMINISTRATOR, TO SELL AN ESTATE AND EXECUTE A DEED THEREFOR.

A PETITION of Nathaniel Ball Administr<sup>r</sup> with the Will annexed, of his Father Nathan<sup>l</sup> Ball late of Concord Dec<sup>d</sup> shewing that his Father having made his Will, thrô the Neglect of the Scribe, no Executor was named therein, that in the said Will he had ordered the selling of a Piece of Land at Acton; but forasmuch as the Petition<sup>r</sup> is advised that he can not give a good Deed for the Conveyance thereof, without the Authority of this Court; therefore Praying that he may be impowered to execute a Deed of the s<sup>d</sup> Land.

Legislative Records of the Council, xix., 47. Mass. Archives, xviii., 461.

Mass. Archives, xviii., 460. House Journal, p. 68. Province Laws, ii., 151, chap. 10.

Read, &

*Order'd* that the Prayer of this Petition be granted And that the Petitioner in his said Capacity be and he is hereby impower'd to make Sale of the Premises (to the best advantage that may be),

The Petitioner first giving Publick Notick<sup>1</sup> of the intended Sale as the act of the Sixth Year of King George the first (respecting the Sale of Lands by Executors & Administrators) doth direct: The Proceeds of such Sale to be applied for Payment of the sd Deceas'ds just Debts & Funeral Charges and otherwise agreeable to the last Will of S<sup>d</sup> Deced and to be accountable to the Judge of Probate for the County of middlesex for his Proceedings therein. [Passed August 10.]

## CHAPTER 78.

### ORDER ALLOWING THE 1/4 OF THE TREASURER OF SUFFOLK CO.

Legislative Records of the Council, xix., 47.  
House Journal, pp. 9, 66.

AN ACCOMPT presented by Edward Winslow Esq<sup>r</sup> Treasurer of the County of Suffolk for the Year 1748, Having been laid before the Court of General Sessions of the Peace for the said County & by them Allowed;

Read &

*Voted* that the Accompt be Allowed; & the Ballance, being One hundred & nineteen Pounds seven shillings & eleven pence three farthings, the said Treasurer is further to be accountable to said County for. [Passed August 10.]

## CHAPTER 79.

### ORDER ALLOWING £3. 1. 10 AND A GUN TO JN<sup>o</sup> HENRY.

Legislative Records of the Council, xix., 47. Mass. Archives, Ixxiii., 431.  
Mass. Archives, Ixxiii., 430. House Journal, pp. 58, 68.

A PETITION of John Henry, shewing that he was taken Prisoner by the Indian Enemy while he was in the Service of the Province; And therefore Praying that he may be allowed for a Gun then lost, & his Wages for the Time of his Captivity

Read &

*Ordered* that the Prayer of the Petition be so far granted as that there be allowed & paid out of the publick Treasury to the Said John Henry the Sum of three pounds one Shilling & ten pence, and that y<sup>e</sup> Commissary General be directed to deliver to the Petitioner a Gun out of the publick Store, for the Loss of Time and his Gun within mentioned. [Passed August 10.]

## CHAPTER 80.

### ORDER ALLOWING £11. 9 TO ANNA PRAT.

Legislative Records of the Council, xix., 48. Mass. Archives, Ixxiii., 515.

A PETITION of Anna Prat, Praying that she may be allowed Wages for her Son Amos Pratts Service as a Soldier, who was taken by the Indian Enemy, at the Age of Nineteen years & died in Captivity.

Read &

*Ordered* that the prayer of the Petition be granted, And that there be allowed & paid out of the publick Treasury the Sum of Eleven pounds & Nine Shillings to the Petitioner in full for y<sup>e</sup> Wages of her Son as above mentioned. [Passed August 10.]

<sup>1</sup> Sic.

## CHAPTER 81.

## ORDER ALLOWING £8. 18. 1 TO JOS. PRIEST.

A PETITION of William Lawrence Esq<sup>r</sup> in behalf of Joseph Priest of Groton, Praying that he may be allowed, for the Services & Sufferings of his Son, who was a Soldier in the Frontiers, & taken Prisoner by the Indian Enemy, & died at Louisburgh in his Return Home.

Read &

*Ordered* that there be allowed and paid out of the publick Treasury to the Petitioner for the Use of the Said Joseph Priest the Sum of Eight pounds Eighteen Shillings & a penuy in Consideration of the Loss of his Said Sons time & Sufferings above mentioned. The Said Joseph to be accountable to the Judge of Prob<sup>t</sup> for the County of Middlesex in Case any Debts do now or may hereafter appear due from the Said Eleazer. [Passed August 10.]

Legislative Records of the Council, xix., 48. Mass. Archives, lxxiii., 525.

House Journal, pp. 60, 68.

## CHAPTER 82.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF JOHN OULTON, ESQ<sup>r</sup>, FOR A NEW TRIAL.

A PETITION of John Oulton Esq<sup>r</sup> shewing that, during his Absence on the publick Service, in the Eastern Parts, one William Knox prosecuted an Action against him, at the Inferior Court for the County of Suffolk, & recovered Judgment against him by Default for £120. 14. 4 & Cost; All which was done without the Knowledge of the Petitioner; Therefore Praying that he may have a Trial of the said Cause by a Jury at the next Inferior Court for y<sup>e</sup> County of Suffolk, & that Execution be stayed in the mean time

Read &

*Ordered* that the Petition<sup>r</sup> serve William Knox, or his Attorney with a Copy of this Petition, that he shew Cause, (if any he hath) on the first Tuesday of the next Sitting of this Court, why the Prayer of the Petition should not be granted; & that Execution be stayed in the mean time, Provided the Petitioner give Bond with sufficient Sureties to the Sheriff of the County of Suffolk to pay such sum as shall finally be recovered of him, with Interest therefor unto the time Judgment be made up, in case he be admitted to a new Trial. [Passed August 11.<sup>2</sup>]

Legislative Records of the Council, xix., 47.

Mass. Archives, xlii., 866–874. House Journal, pp. 68, 69.

## CHAPTER 83.

VOTE WITH STAY OF ALL PROCEEDINGS REFERRING THE PETITION OF JAMES ALLEN, ESQ<sup>r</sup>, FOR REVIEW OF A JUDGMENT.

ON THE PETITION of James Allen Esq<sup>r</sup> [*ante*, p. 132, chap. 337] Voted that this Pet<sup>t</sup>n be revived & referred to the next sitting of this Court & all proceedings In Law & Execut<sup>ns</sup> are stayed in the mean Time. [Passed August 11.]

Legislative Records of the Council, xviii., 48. Mass. Archives, xlii., 640.

Legislative Records of the Council, xviii., 358. House Journal, p. 70. *Ante*, p. 132, chap. 337.

<sup>1</sup> *Sic.*

<sup>2</sup> This date is according to Mass. Archives; according to Legislative Records of the Council and the House Journal the date is August 10.

## CHAPTER 84.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE IN REGARD TO  
BUILDING A MEETING HOUSE AT NATICK.

Legislative Records of the Council, xix., 23, 48. Mass. Archives, xii., 685.

Mass. Archives, xii., 684. Legislative Records of the Council, xviii., 285, 290; xix., 24, 26, 46. House Jour. nal, pp. 70, 71.

A PETITION of David Morse & others Inhabitants of Natick, shewing that there is a Vote of the Major Part of the Inhabitants of the said District for building the Meeting House in some distant Place from the Place where the old Meeting House stood; which is the Place determined upon by a Committee of this Court as most suitable for the Accommodation of the Indian Natives of the said District And therefore Praying that the Petition<sup>rs</sup> may be exempt from paying to the Charge of any other Meeting-house, or for the support of any Minister besides their own.

The Committee appointed to consider the Petition of Timothy Bacon & others a Committee of the English Inhabitants of the Parish of Natick; as also the Petition of David Morse & sundry Inhabitants of said Parish, Having heard the several Parties with their Pleas & Allegations, & examined a Plan, taken by Order of said Parish; In which is described the Place & Situation of both English & Indians; Having also taken into Consideration the Answer of the Commission<sup>rs</sup> from the Hon<sup>ble</sup> Corporation for propagating the Gospel among the Indians in New England: On the whole, We report it as our Opinion, That inasmuch as it appears to be against the general Mind of the Indians, the first Proprietors of Natick; & in Opposition to the Commissioners, who settled, & for more than twenty six years past have almost wholly maintained a learned orthodox Minister among said People with very little Assistance from the English Inhabitants, That therefore the Vote of the English Inhabitants of Natick for removing the Meeting house (now presented for Confirmation) be not allowed by this Court. But forasmuch as it appears to the Committee, that the English Inhabitants of Natick would be better accommodated, & the Indians not greatly incommoded were the Meeting house now erected (chiefly at the Charge of the Commission<sup>rs</sup> aforesaid, for the benefit of the Indians,) at the old Place, removed nearer to the Center of the Parish: The Committee are therefore of Opinion that this Court do affix a Place, for setting the new Meeting house, near the Place where William Thomas lives; but that it be left to the Parish, at a Meeting, to be called for that purpose, to agree upon & ascertain the particular Spot, so as that it doth not exceed forty rods to the Westward of said William Thomas's House; & that upon the parishes agreeing upon the same, & taking the Rev<sup>d</sup> M<sup>r</sup> Peabody (the Indian Pastor,) to be the Parish Minister, & signifying the same to this Court on or before the tenth day of Decem<sup>r</sup> next; that then the Meeting house, now raised, be taken down, & removed to such particular Spot as the Parish shall agree on as aforesaid; The Charge of removing & building said Meeting house to be proportioned upon the English & Indians, in manner as this Court shall then direct: And that in Order to support & maintain the Gospel Ministry for the future, in said Parish, at least so long as the Rev<sup>d</sup> M<sup>r</sup> Peabody continues to be the Minister; the several English Inhabitants be assessed so much & no more for their Polls & Estates, as such Estates & Polls would pay annually to the Ministerial Tax, in the Town of Needham, were they Inhabitants & had such Estate in said Town: Provided also that in said Meeting

house, to be placed, as afore said, suitable Room & Accommodation be made & at all times reserved for the Use of the Indian Inhabitants. The Committee are further of Opinion that in case the Parish, at their Meeting, should not comply with what is herein proposed; that yet the Meeting house be removed to some convenient Place in or near said William Thomas's; & that then, such of the English Inhabitants, as shall subscribe towards building said Meeting house, within twelve months, & give in their Names to this Court, shall be entirely freed from paying any thing towards the building a Meeting House, & Support of the Gospel any where else in said Natick, or be obliged by any Votes that the Parish may make referring to the same. All which is submitted.

In the Name of the Comm<sup>tee</sup>

BENJ<sup>A</sup> LYNDE.

*Ordered* that the foregoing report in the Several parts thereof be Accepted, & that the Place for erecting & finally Setling the meeting house in Natick be near W<sup>m</sup> Thomas his house according as is proposed in the afores<sup>d</sup> Report. [Passed August 11.

## CHAPTER 85.

### VOTE ALLOWING £3. 15. 11 TO JOHN ADAMS.

IT APPEARING to the House from an Attestation of Will<sup>m</sup> Foy Esqr Treasurer that there is due to Michael Adams a Soldier on Capt<sup>n</sup> Cargyle Muster Roll. the sum of £3. 15. 10.

Legislative Records of the Council, xix., 50. Mass. Archives, lxxiii., 537.

*Voted* that his Father John Adams be allowed out of the publick Treasury the sum of three Pounds fifteen Shillings and eleven Pence. He being accountable to the Adm<sup>r</sup> of the s<sup>d</sup> Michael. [Passed August 11.

House Journal, p. 59.

## CHAPTER 86.

### VOTE ALLOWING £42. 14 BOUNTY TO CPT. HUMP. HOBBS FOR SOLDIERS.

A MEMORIAL of Cpt. Humphrey Hobbs, shewing that twenty eight of his Men which he enlisted under the Encouragem<sup>t</sup> of Five Pounds per Annum Bounty, have been kept on the Service four or five Months beyond the Year; Therefore Praying that the Bounty may be allowed them accordingly:

Legislative Records of the Council, xix., 50. Mass. Archives, lxxiii., 517.

*Voted* that the said 28 Men are entitled to that Proportion of the £5 p Annum bounty being 30<sup>s</sup> & 6<sup>d</sup> p Man. viz: £42. 14 Bills of the last Emission & that the same be accordingly paid out of the publick Treasury to s<sup>d</sup> Capt<sup>n</sup> Hobbs for the the<sup>1</sup> Use s<sup>d</sup> Soldiers. [Passed August 11.

Mass. Archives, lxxiii., 516. House Journal, pp. 65, 66. Ante, p. 143, chap. 1.

<sup>1</sup> Sic.

## CHAPTER 87.

## ORDER REFERRING THE CHEQUABEE PETITION TO BE MADE A SEPARATE PRECINCT.

Legislative Records of the Council, xix., 13. Mass. Archives, xii., 667.

Mass. Archives, xii., 665–667, 671–678.

Legislative Records of the Council, xix., 50. House Journal, pp. 23, 70.

A PETITION of Thomas Chapin, & others Inhabitants of a Place called Chequabee in the Town of Springfield, setting forth the great Difficulties they are under in attending the publick Worship of God there; & Praying that they may be set off a separate Precinct by Metes & Bounds particularly mentioned in y<sup>e</sup> Petition.

Read and

*Ordered* that the Consideration of this petition and the Answer thereto be referr'd to the Second Thursday of the next Sitting of

## CHAPTER 88.

VOTE DESIRING THE GOVERNOR TO GIVE ORDERS FOR A GUARD TO THE COMMISS<sup>RS</sup> OF THE INDIAN TREATY.

Legislative Records of the Council, xix., 51. Mass. Archives, xviii., 337.

Legislative Records of the Council, xix., 49. House Journal, p. 72.

In the House of Repres<sup>ves</sup>

This House having taken into Consideration the Message of His Excellency the Governor of yesterday,

*Voted* That His Excellency be desired to give His Orders to the Commanding Officer of the Regiment of Militia in the Eastern part of the County of York, that he detach Fifty Men belonging to the Foot Companys of the Town of Falmouth, to be put under the Command of a proper Officer, And that they Attend the Commissioners appointed at the proposed Interview with the Indians the 27<sup>th</sup> of September next.

And that there be Allowed pay and Subsistance to the Said Soldiers for the time they Shall be upon Duty, as this Court Shall Order.

In Council Read and Concurred. [*Passed August 12.*

## CHAPTER 89.

## ORDER ALLOWING £14 TO ISAAC JAMES.

Legislative Records of the Council, xix., 51. Mass. Archives, lxxxvii., 54.

House Journal, p. 66.

A PETITION of Israel<sup>2</sup> James of Harwich, shewing that his House being burnt down the 7<sup>th</sup> day of May last, he lost therein Fourteen Pounds in Bills of this Province of the old Tenor, Praying he may be reimbursed that sum out of the Treasury:

Read & granted the Prayer of the Pett<sup>n</sup> &

*Ordered* that the Treasurer be directed to Deliver out of the publick Treasury the sum of three Pounds ten shillings to M<sup>r</sup> Edward Bangs for the Use of the Pett<sup>r</sup> In Leiu of that Sum burnt as afores<sup>d</sup>. [*Passed August 12.*

<sup>1</sup> At the hearing January 23, 1749, this petition was dismissed.—House Journal, p. 180.

<sup>2</sup> Mass. Archives, lxxxvii., 54, reads, “Isaiae.”

## CHAPTER 90.

VOTE IMPOWERING THOMAS PAIN, ADM<sup>R</sup>, TO FILE A COMPLAINT.

A PETITION of Thomas Pain, shewing that he has lost the benefit of an Order, pass'd by this Court in January last, empowering him to file his Complaint against Thomas White of Weymouth, at the Superior Court, for the County of Suffolk (for not prosecuting his Appeal against the Petitioner) by means of a Misrecital of the Date of the Bond sued out, And therefore Praying that he may be enabled to prosecute his Complaint at the next Court.

*Voted* that the Prayer of the Pett<sup>n</sup> be granted and that the sd Thomas Pain Adm<sup>r</sup> de bonis non be & hereby is impowered to file his Complaint att the superior Court of Judicature now held att Boston this 15<sup>th</sup> Instant for the Affirmation of s<sup>d</sup> Judgment to the s<sup>d</sup> Thomas as Adm<sup>r</sup> afores<sup>d</sup> with additional Interest & Cost

And the Justices of s<sup>d</sup> Court be & hereby are impowered to render Judgment for him therenpon & to award Execution accordingly.

[Passed August 15.

Legislative Records of the Council, xix., 52. Mass. Archives, xviii., 466.

Mass. Archives, xviii., 465. House Journal, pp. 48, 73, 76, 78. *Anet*, p. 215, chap. 206.

## CHAPTER 91.

ORDER IMPOWERING EDMUND TROWBRIDGE ESQ<sup>R</sup>, ADMINISTRATOR, TO SELL AN ESTATE.

A PETITION of Edmund Trowbridge Esq<sup>r</sup> Administ<sup>r</sup> of the Estate of Stephen Fessenden late of Worcester in the County of Worcester Dec<sup>d</sup> shewing that the said Estate which consists principally of a House & Land in Worcester is represented Insolvent; And for as much as there is now an Opportunity of selling the said real Estate to Advantage which may be lost by delaying the Sale of it till the Sitting of the Superior Court in said County, Therefore Praying this Court would impower the Petitioner to sell it.

Read and

Legislative Records of the Council, xix., 53. Mass. Archives, xviii., 459.

Mass. Archives, xviii., 458. House Journal, p. 70. Province Laws, ii., 151, chap. 10.

*Ordered* that the Prayer of the Petition be granted and the Petitioner is impowered to make Sale of the Real Estate withinmentioned and execute, in due form of Law, a Deed for the conveyance thereof to Such Person as Shall give most for the Same: and that, in the Sale of the Premises, the Petitioner observe the directions of the Province Law relating to Executors or Administrators Sale of Real Estate; and account with the Judge of Probate for the County of Worcester for the Proceeds thereof. [Passed August 15.

## CHAPTER 92.

## VOTE REFERRING WITH STAY OF EXECUTIONS THE PETITION OF THE INHABITANTS OF WRENTHAM IN REGARD TO COUNTY TAX.

A PETITION of the Select men of the Town of Wenthram, shewing that, notwithstanding a great Part of the said Town is, by the Determination of the Court of Commissioners, set off to the Gov- ernm<sup>t</sup> of Rhode Island, the Treasurer of the County of Suffolk de-

Legislative Records of the Council, xix., 53. Mass. Archives, cxv., 517.

House Jour.  
nal, p. 58.

mands of the said Town the full Tax for the County, as when the whole Town was reputed to be in this Province; & the Inhabitants of the Part taken off absolutely refuse to pay any thing towards it, Praying that this Court would give Order for the Relief of said Town.

*Voted* that the Consideration of this Pett<sup>n</sup> be referred till there is a new Valmation taken through the Province and all Executions be stayed in the mean Time. [Passed August 15.]

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## CHAPTER 93.

### VOTE ALLOWING £12. 10 TO EZEK. WELLS.

Legislative  
Records of the  
Council, xix.,  
54. Mass.  
Archives,  
lxxiii., 436.

A PETITION of Ezekiel Wells, shewing that, in an Engagem<sup>t</sup> with the Indians, he received grievous Wounds, which have rendered him a Cripple, unable to labour for his Support, Praying for an Allowance from this Court.

Mass.  
Archives,  
lxxiii., 435.  
House Jour.  
nal, pp. 66, 73.

*Voted* that there be allowed & paid out of y<sup>e</sup> publick Treasury to Timothy Dwight Esqr for the Use of the Pett<sup>t</sup> the sum of £12. 10 in Consideration of his sufferings & further Relief. [Passed August 15.]

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## CHAPTER 94.

### VOTE APPOINTING COMMISSIONERS FOR THE REDEMPTION OF CAPTIVES IN CANADA.

Legislative  
Records of the  
Council, xix.,  
54. Mass.  
Archives,  
lxxiii., 541.

THE COUNCIL & HOUSE OF REPRESENT<sup>Y</sup>ES having agreed to proceed to the Choice of Commissioners to go to Canada for the Redemption of the Captives,

The following Persons were chosen for the said Trust, viz

John Chandler Esq<sup>r</sup>  
Joseph Heath Esq<sup>r</sup>

[Passed August 16.]

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Legislative  
Records of the  
Council, xix.,  
55. Mass.  
Archives, cii.,  
426.

ORDER REFERRING THE PETITION OF JAMES LEONARD IN REGARD TO FRAUDULENT DEALINGS AS TO A MORTGAGE.

Mass.  
Archives, cii.,  
423. House  
Journal, pp. 17,  
34, 61, 77. *Ante*,  
p. 273, chap. 27.

ON THE PETITION of James Leonard, [*ante*, p. 253, chap. 314] Ordered that the Consideration of this affair be further refer'd to the first Friday<sup>1</sup> of the next Sitting of this Court. [Passed August 16.]

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## CHAPTER 95.

### VOTES IN REGARD TO TRADE WITH THE INDIANS.

Legislative  
Records of the  
Council, xix.,  
55. Mass.  
Archives,  
cxix., 427.

*Voted*, That upon the Ratification of the Peace with the Several Tribes of Indians, a Trade be opened and carried on with them at the Truck-Houses at Richmond and St Georges. That two Truck Masters be annually chosen and appointed by this Court who Shall

<sup>1</sup> The House Journal, p. 77, reads, "Thursday."

be under Oath, and Bonds with Sufficient Sureties, for the faithful Discharge of <sup>of</sup><sup>1</sup> their Trust.

House Journal, p. 77.  
Ante, p. 283,  
chap. 57.

And Whereas there were Rules & Rates Settled by which the Commissary General govern'd himself in carrying on the Trade with the Indians in time of the last Peace with them, and has conform'd himself to the Same Rules with respect to the Goods lately Sent to those Truck Houses, and has given directions to the Officers there as to the price's of Goods & Furrs accordingly.

Voted That the Said Commissary General, be directed (as Soon as the Said Ratification of peace Shall be compleated) to continue the Trade with the Indians in the Same Method he has done, till the further Order of this Court. And that private Trade with the Indians be restrained as formerly. [Passed August 17.]

## CHAPTER 97.

### VOTE GRANTING TO EDMUND PUTNAM LICENCE TO RETAIL STRONG DRINK.

A PETITION of Edmund Putnam of Salem Innholder, shewing that there being an other House licenced for an Inn in his Neighbourhood, where he apprehends one is sufficient, he is desirous to lay down his Licence, as an Inn keeper, And therefore Praying that the Court of General Sessions of the Peace for the County of Essex may be impowered to grant him a Licence for Retailing strong Drink out of Doors in the House where he now dwells.

Legislative Records of the Council, xix., 55. Mass. Archives, exi., 173. Mass. Archives, exi., 172. House Journal, p. 77.

Voted that the Prayer of the Petition be granted & the Justices of the County of Essex be Impowered att their Sessions the Last Tuesday of Septemb<sup>r</sup> Next att Newberry to grant s<sup>d</sup> Edmund Puttman Liberty of Retailing Strong Liqnors out of Doars att his house where he Dwells the time of granting Licence being elaps'd Notwithstanding. [Passed August 17.]

## CHAPTER 98.

### VOTE GRANTING TO EPHRAIM JONES LICENCE TO KEEP A TAVERN.

A PETITION of Ephraim Jones of Concord in the County of Middlesex, shewing that thro' a meer Mistake he missed of a Licence to keep an Inn in said Town, & Praying that the next Court of General Sessions of the Peace for said County may be impowered to grant him a Licence.

Legislative Records of the Council, xix., 546. House Journal, p. 76.

Read &

Voted that the Prayer of the Petition be granted, and the Justices of the County of Middlesex be impowered at their Sessions the last Thursday of August Instant, to grant said Ephraim Jones a Licence to keep a Tavern, he obtaining Liberty first from the Select Men of Concord, the time for Granting Licence being elapsed notwithstanding. [Passed August 17.]

<sup>1</sup> Sic.

## CHAPTER 99.

VOTE FOR PAY AND SUBSISTENCE TO INHABITANTS SERVING AS SOLDIERS AT GORHAM TOWN & NEW MARBLEHEAD<sup>1</sup>.

Legislative Records of the Council, xix., 50. Mass. Archives, lxxiii., 543.

Legislative Records of the Council, xix., 56. House Journal, p. 69. *Ante*, p. 234, chap. 266; p. 235, chap. 268.

THE COMMITTEE, to whom was refer'd the Petition [*ante*, p. 234, chap. 266; p. 235, chap. 268] of sundry Inhabitants of New Marblehead & Gorham Town, as also the Memorial of Cpt. Daniel Hills, have attended that Affair, heard the Parties, & read the Papers; & are of Opinion that said Cpt. Hills has not attended the Votes of this Court, in October last, in settling his Company, last December, but dismiss'd five more of the Inhabitants, Soldiers, than he ought to have done, & detained five of the Westw<sup>d</sup> Soldiers in their room. We are also of Opinion that Daniel Hills Jun<sup>r</sup> Son of the said Cpt. Daniel Hills, ought not to have any Pay or Subsistence, since the fifth of Decem<sup>r</sup> last, he not attending his Duty in the service of the Province since that time; And whereas some of the rest of the Westward Soldiers had been a long time absent from their Duty, We are of Opinion, they ought to be allowed Wages & Subsistence, for no longer time, than they attended in the Service; Excepting twenty days each, to visit their Families; & that the Men who did the Duty in the room of the said five Western Men, receive their Pay & Subsistence, during the time of their Absence. In the Name of the Comm<sup>tee</sup>

GEO. LEONARD

*Voted* the Pay & subsistance due to the five Inhabitants of Gorham Town & new Marblehead who did the Duty of five Western Men while absent from their Duty together with the other Inhabitants Soldiers born on Capt<sup>n</sup> Dan<sup>l</sup> Hills Muster Roll be paid to Capt<sup>n</sup> Moses Pierson to be by him equally distributed among the said Inhabitants Soldiers according to order of this Court. [Passed August 18.<sup>1</sup>

## CHAPTER 100.

ORDER IMPOWERING EBEN<sup>R</sup> WOOD TO BRING FORWARD A WRIT OF REVIEW.

Legislative Records of the Council, xix., 43, 56.

Mass. Archives, xlvi., 323-330. Legislative Records of the Council, xix., 52. House Journal, pp. 61, 74, 75.

A PETITION of Ebenezer Wood of Middleborō Praying that he may be impowered, by this Court, to bring his Writ of Review, to the next Superior Court for the County of Plymouth, of an Action, determined against him, upon a Rule of Court at the Superior Court held at Plymouth for said Court in July 1748, The said Action being between the Petitioner & his Brother El Nathanael Wood of Middleborō aforesaid

[Committee's report] Read & Accepted &

*Ordered* that the Petitioner be, & he is accordingly allowed to bring forward his Writ of Review, at the next Superior Court of Judicature, to be holden at Plymouth, for the County of Plymouth, on the second Tuesday of July next; & the Court are impowered to try the Merits of the Cause in the Petition mentioned; the Report of the Referees, Judgment of Court, & Execution consequent thereupon notwithstanding; & all Proceedings upon the s<sup>d</sup> Execution are hereby superseded. [Passed August 18.<sup>1</sup>

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is August 17.

## CHAPTER 101.

VOTE WITH STAY OF EXECUTION APPOINTING A COMMITTEE ON THE PETITION OF DR<sup>R</sup> WM RAND IN REGARD TO PAYING HIS DRAFTS ON THE TREASURY.

A PETITION of DR<sup>R</sup> William Rand, setting forth that he has not been paid for his Services as a Surgeon of the Forces at Cape Breton, but has a considerable sum due to him on that Account, That as Collector of Taxes he has fallen into Arrears at the Treasury; for which the Treasurer has taken out an Execution against him; That he has several Draughts on the Treasury for Money due to him on other Accounts; which the Treasurer refuses to pay on any other way than by setting it off on the Execution; And for as much as his Petition respecting his Services at Cape Breton now lies before the Court, Therefore Praying that the Treasurer may be ordered to pay the Draughts the Petitioner has upon him.

Legislative Records of the Council, xix., 56. Mass. Archives, cv., 329.

Mass. Archives, cv., 328. House Journal, p. 80. *Ante*, p. 196, chap. 152.

*Voted* that M<sup>r</sup> Hubbard M<sup>r</sup> Allen & M<sup>r</sup> Tyng be a Com<sup>ttee</sup> [to] sit in the Recess of the Court & report att the next sitting of this Court w<sup>t</sup> they think proper for this Court to do thereon & Execu<sup>n</sup> be stayed in the Mean Time.<sup>1</sup> [Passed August 18.<sup>2</sup>

## CHAPTER 102.

ORDER ALLOWING £300 TO THE COMISS<sup>RS</sup> FOR THE REDEMPTION OF CAPTIVES IN CANADA.

*Ordered* That M<sup>r</sup> Treasurer Foye be and hereby is directed to advance and pay out of the publick Treasury to the Hon<sup>ble</sup> John Chandler Esq<sup>r</sup> and Joseph Heath Esq<sup>r</sup> or either of them the Sum of Three Hundred pounds to enable them to equip & furnish themselves & Attendants with necessaries for their Journey as Commissioners on Behalf of this Governm<sup>t</sup> to proceed to Canada for the Redemption of Captives &c. The Comiss<sup>rs</sup> to be accountable, the S<sup>d</sup> Sum to be paid out of that Appropriation where there is no Establishment. [Passed August 18.

Legislative Records of the Council, xix., 547. Mass. Archives, lxxiii., 549.

House Journal, pp. 72, 79. *Ante*, p. 298, chap. 94.

## CHAPTER 103.

VOTE FOR PUBLISHING NOTICE OF APPOINTMENT OF COMMISSIONERS FOR THE REDEMPTION OF CAPTIVES IN CANADA.

IN AS MUCH as Commissioners are appointed by this Court to proceed to Canada as soon as may be;

Legislative Records of the Council, xix., 547.

*Voted* that the Secretary be directed to insert the same in the publick News Papers, Advising all Persons in this Province, whose Friends are in Captivity thereof; that so they may forthwith if they see Cause transmit to the Secretaries Office, the Names of their Friends, the Places where they were taken, and the Time

Mass. Archives, lxxiii., 544. House Journal, p. 80. *Ante*, p. 298, chap. 94.

<sup>1</sup> At the hearing, January 26, 1749, this petition was dismissed.—Mass. Archives, cv., 330.

<sup>2</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is August 17.

when; And that all French Captives now in the Province, be again notified, that they, if any such there be, have Liberty to go to Canada if they desire it. [Passed August 18.]

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## CHAPTER 104.

### VOTE GIVING ADDITIONAL INSTRUCTIONS TO THE COMMISSIONERS FOR THE REDEMPTION OF CAPTIVES IN CANADA.

Legislative  
Records of the  
Council, xix.,  
57. Mass.  
Archives,  
lxxiii., 558.

Mass.  
Archives,  
lxxiii., 545–547.  
*Ante*, p. 298,  
chap. 94.

*Voted* that the following be additionall Instructions<sup>1</sup> to the Commissioners Appointed by this Court on their Negotiation to Canada

Viz<sup>t</sup> That if upon the Interveiw the said Commissioners may have with the Goven<sup>r</sup> of Canada He shall nott Engage for the peaceable behaviour of the Indians of that Country towards his Majes<sup>y</sup>s Subjects here That then the said Commissioners endeavour by private Intelligence to the Cananwanga Tribe to Obtain a Treaty with them by their Delegates on our Borders to be had as Soon as may be

And if the Liberateing any of the Inhabitants of this Province whether natives or Others Cannot be Obtained (without a Price paid for their Redemption) You are to Redeem them att as low & Moderate Terms as you Can in a Sum not Exceeding three hundred pounds by drawing bills on the province Treasurer or in Such Other way as you shall find Necessary Butt as Cap<sup>t</sup> Stevens's Son was taken in a time of peace itt is not to be supposed, that any pretence Can be form'd for Detaining him, or Demand made for his Redemption; But should even that be the Case you must pay the purchase thereof as Afforesaid.<sup>2</sup> [Passed August 19.]

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## CHAPTER 105.

### VOTE DIRECTING THE PROVINCE TREASURER TO ANSWER DRAFTS OF THE COMMISSIONERS APPOINTED FOR THE REDEMPTION OF CAPTIVES IN CANADA.

Legislative  
Records of the  
Council, xix.,  
59. Mass.  
Archives,  
lxxiii., 550.

*Ante*, p. 298,  
chap. 94.  
*Supra*, chap.  
104.

*Voted* That The Treasurer be directed to answer any Draft or Drafts That may be made on him by the Commissioners or Either of them appointed by This Court to proceed to Canada for the Redemption of Captives to the Amount of £300 provided They or Either of them should have Occasion to draw for s<sup>d</sup> Sum for the purpose afores<sup>d</sup> They & Either of Them making such Draft to be accountable.<sup>2</sup> [Passed August 19.]

<sup>1</sup> For the first instructions see Mass. Archives, lxxiii., 545.

<sup>2</sup> Not found in the House Journal.

## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY THIRD DAY OF NOVEMBER, A.D.

1749.

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### CHAPTER 106.

#### ORDER GRANTING TO NATH'L AMES LICENCE TO KEEP A TAVERN.

A PETITION of Nathaniel Ames of Dedham, shewing that he is removed into the House which was Lieut. Joshua Fishers, which is most commodiously situated for an Inn or Tavern, & has been so improved for a great Number of years, Therefore Praying this Court to impower the Court of General Sessions of the Peace for the County of Suffolk to grant him a Licence to keep a Tavern in said House.

Legislative Records of the Council, xix., 64. Mass. Archives, exi., 186.  
Mass. Archives, exi., 184, 185. House Journal, p. 88.

Read and

*Ordered* that the Justices of the Gen<sup>l</sup> Sessions of the peace for the County of Suffolk be impowered to grant the Pet<sup>r</sup> a Licence to keep a House of publick Entertainment at their Session in January next, (if they See cause) the Pet<sup>r</sup> first obtaining the approbation of the select Men of the Town of Dedham; the time for granting Licences being elapsed notwithstanding. [Passed November 24.

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### CHAPTER 107.

#### ORDER IMPOWERING BENJ<sup>A</sup> DAVIS, ADMINISTRATOR, TO SELL AN ESTATE.

A PETITION of Benjamin Davis Administr<sup>r</sup> of the Estate of Joseph Rocket Jun<sup>r</sup> Dec<sup>d</sup> shewing that the Personal Estate is not sufficient to pay the Debts, & that the Lands are almost wholly uncultivated; And therefore Praying in behalf of the Widow & Children, Liberty to sell y<sup>e</sup> whole real Estate, that they may have the benefit of it after the Debts are paid.

Legislative Records of the Council, xix., 63. Mass. Archives, xviii., 527.

Read and

*Ordered* that the Pet<sup>r</sup> have liberty in his capacity within mentioned to make Sale of the real Estate of the Dec'd and to Execute a Good Deed or Deeds for the same to the Person who shall appear to give most therefor. He Observing the directions of the Law with respect to the Sale of Intestate Estates And giving sufficient caution to the Judge of Probate for the County of Worcester that the proceeds of said Sale after the Just Debts and Charges are paid shall be applyed to the comfort and Subsistance of the Widow and Orphans agreeable to Law. [Passed November 25.<sup>1</sup>

Mass. Archives, xviii., 526. House Journal, pp. 90, 91. Province Laws, ii., 151, chap. 10.

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council and the House Journal the date is November 24.

## CHAPTER 108.

ORDER WITH STAY OF PROCEEDINGS ACCEPTING THE REPORT OF THE COMMITTEE ON THE PETITION OF MARY WOLCOT, ADM<sup>X</sup>, AND JOHN DODGE FOR WRIT OF REVIEW.

Legislative Records of the Council, xix., 66.

Mass. Archives, xlii., 847. Legislative Records of the Council, xix., 64. House Journal, pp. 66, 90, 94. *Ante*, p. 290, chap. 74.

THE COMMITTEE appointed to consider the Petition [*ante*, p. 290, chap. 74] of Mary Wolcot & John Dodge, Having heard the Parties thereon, & fully considered the same, Report, That the Prayer of the Petition be so far granted, as that the Petitioner may be empowered to bring forward her Writ of Review at the Superior Court of Judicature to be held in the County of Essex in June next, on the Judgment obtained by Nathan Bowen upon the Note mention'd in the Petition, in the same manner as she was enabled to do by an Order of this Court in April last; And that the Petitioner John Dodge be likewise enabled at the same time to bring a Writ of Review on the Judgment obtained upon the Review Bond, mentioned in said Petition; & that said Bond shall be of no other Force or Effect, than if it had been given to Review the Judgem<sup>t</sup> upon said Note at the Superior Court for the County of Essex in June next; And all Proceedings upon both said Mentioned Judgments in the Petition, in the mean time be stayed: Which is submitted,

By Order of the Comm<sup>tee</sup>

GEO. LEONARD

Read &

*Ordered* that this Report be Accepted. [Passed November 28.

## CHAPTER 109.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE PETITION OF JN<sup>o</sup> METCALF EZRA POND &c TO BE ANNEXED TO MEDWAY.

Legislative Records of the Council, xix., 40, 66. Mass. Archives, xiii., 29.

Mass. Archives, xiii., 18—29. House Journal, pp. 47, 58, 90, 95. *Ante*, p. 226, chap. 239.

A PETITION of the Precinct, lately made out of Medway, Holliston, Bellingham & Wrentham, Praying that Ezra Pond of Wrentham & the Remainder of his Estate in said Town, with Malachi Bullard & William Richardson & their Estates may be added to said new Precinct, & subjected to pay Taxes there, & no where else; & that the Precinct may be confirmed accordingly;

The Committee on the Petition of John Metcalf, Ezra Pond, Malachi Bullard & William Richardson having attended that Service, heard the Parties & maturely considered the same, are humbly of Opinion that the Prayer of the Petition be so far granted, as that Ezra Pond with his Family & Estate lying contiguous to his Dwelling House be set off from the second Parish in Wrentham, & the first Parish in Medway & annexed to the second Parish in Medway. The Committee are further of Opinion that if Malachi Bullard & William Richardson should be set off from the first Parish in Medway & annexed to the second Parish in said Town, It would very much enfeeble the first Parish; & therefore are of Opinion that the Petition be dismiss'd: Which is humbly submitted

SAM<sup>L</sup> WATTS p order

Read and

*Ordered* that this Report be and hereby is accepted and that Ezra<sup>1</sup> Pond; with his Family and Estate, contiguous to his Dwelling House; be set off from the Second Parish<sup>1</sup> in Wrentham, and the first Parish

<sup>1</sup> MS. mutilated. Inserted from Legislative Records of the Council, xix., 66.

in Medway and be annexed to the Second Parish in Medway And that the Petition So far as it respects Malachi Bullard<sup>1</sup> and William Richardson, be dismis'd accordingly. [Passed November 28.

## CHAPTER 110.

### ORDER ALLOWING £8. 2. 6 TO NATH'L WEBB.

A PETITION of Nathaniel Webb of Southborō, shewing that he was a Soldier in the Western Frontiers in the Year 1746 & 1747, that his Wages were made up in the Muster Roll of Coll. John Stoddard Dee<sup>a</sup> by a wrong Christian Name; viz, Joel; by which means he is kept out of his Wages, Praying for an Order of this Court for receiving them.

Read and

*Ordered* that the Treasurer be directed to pay to Cap<sup>t</sup> Tim<sup>o</sup> Brigham for the Use of the Pet<sup>r</sup> Eight pounds two Shillings and Six pence The Sum made up in the Musterroll to Joel Webb (within mentioned thrō the Mistake of the Scribe) notwithstanding. [Passed November 28.

Legislative Records of the Council, xix., 66. Mass. Archives, lxxiii., 581.

Mass. Archives, lxxiii., 581. House Journal, pp. 91, 93.

## CHAPTER 111.

### ORDER IMPOWERING RICH'D ELVING AND ABIGAIL HIS WIFE, ADMINISTRATRIX, TO SELL LAND.

A PETITION of Richard Elving of Scarborō & Abigail his Wife, Administ<sup>r</sup>e of the Estate of her late Husband Samuel Willard Dec<sup>d</sup> shewing that he died seized of a tenth Part of a Proprietors Share in the Town of Rutland, & the same lying in several Parcels, renders the Land of little Advantage to the Heirs of the Dec<sup>d</sup> And therefore Praying that the said Lands may be sold & the Proceeds invested in some other Real Estate that may be more beneficial to the Heirs.

Read, &

*Order'd* that the Prayer of this Petition be granted; and that the Petitioners be and they are hereby authoriz'd (with the advice & assistance of Joseph Welder Esq<sup>r</sup>) to make sale of the several Parcels of Land in sd Petition mention'd, for the most that may be; Publick Notice of such Sale having been previously given in manner as the Law respecting the Sale of Land by Executors & administ<sup>rs</sup> doth direct:

Provided, the Petitioners give sufficient Caution to the Judge of Probate for the County of York that the Proceeds of such Sale be vested in other real Estate for the best advantage of the Heirs of the Deceas'd within mentioned. [Passed November 28.<sup>2</sup>

Legislative Records of the Council, xix., 68. Mass. Archives, xviii., 530.

Mass. Archives, xviii., 529. House Journal, p. 95. Province Laws, ii., 151, chap. 10.

<sup>1</sup> MS. mutilated. Inserted from Legislative Records of the Council, xx., 66.

<sup>2</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is November 30.

## CHAPTER 112.

ORDER IMPOWERING SAM<sup>L</sup> & HUGH FLOYD, ADMINISTRATORS, TO SELL REAL ESTATE.

Legislative Records of the Council, xix., 56. Mass. Archives, xviii., 457.

Mass. Archives, xviii., 456. Legislative Records of the Council, xix., 67. House Journal, pp. 65, 67, 96. Province Laws, ii., 151, chap. 10.

A PETITION of Samuel Floyd & Hugh Floyd, surviving Administr<sup>r</sup>s of the Estate of their Father Benjamin Floyd, late of Medford in the County of Middlesex Dec<sup>d</sup> Praying that they may be impowered to sell a small Plot of Land in Medford, belonging to the said Estate with the Buildings thereon for the Payment of the Deceaseds Debts &c

Read, and

*Order'd* that this Petition be revived, and that the Prayer thereof be granted; and it appearing that the Petitioners have (in pursuance of the aforeswitten Order of both Houses) given Publick Notice of the intended Sale of the House & Land withinmention'd, and a Day is assigned for that purpose: Therefore further

*Order'd* that the Petitioners be and they are hereby anthoriz'd & impower'd (in their said Capacity) to make sale of the Premises at the time appointed (to as good Advantage Of the Heirs as may be) & to execute a good & sufficient Deed or Deeds of Conveyance of the same: Provided, due Caution be first given to the Judge of Probate for middlesex, for the Purposes mentioned in the above written Order. [Passed November 29.]

## CHAPTER 113.

ORDER IMPOWERING HAN. WILLISTON, ADM<sup>R</sup>, TO SELL REAL ESTATE.

Legislative Records of the Council, xix., 67. Mass. Archives, xviii., 492.

Mass. Archives, xviii., 491, 524. House Journal, p. 97.

A PETITION of Hannah Williston, Relict Widow & Administ<sup>x</sup> of the Estate of Joseph Willistone late of Springfield Dec<sup>d</sup> shewing that her said Husband died seized of sundry Lots or Tracts of Land in said Town, which cannot be improved to any great advantage, by reason of their inconvenient Situation & Circumstances; Praying the Petitioner may be impowered to exchange some of the said Lots for other Lands that may be more profitable.

Read and

*Ordered* that the prayer of the Pet<sup>n</sup> be so far granted as that the Pet<sup>r</sup> have liberty and power with the advice and assistance of Josiah Dwight Esq<sup>r</sup> and M<sup>r</sup> John Williston to make sale of the Lotts of land abovementioned for the most that may be she first giving caution to the Judge of Probate for the County of Hampshire and to invest the Proceeds in some other Lands for the advantage of the Heirs within mentioned. [Passed November 29.]

## CHAPTER 114.

Legislative Records of the Council, xix., 68.

ORDER IMPOWERING THE PROVINCE TREASURER TO PAY WAGES DUE JN<sup>O</sup> EDDY JR.

House Journal, p. 99.

*Ordered* that the Treasurer be directed to pay to Cpt. Timothy Brigham, for the Use of John Eddy, the Wages which are due upon Muster Roll to John Eddy Jun<sup>r</sup> Dec<sup>d</sup>. [Passed November 30.]

## CHAPTER 115.

ORDER IMPOWERING ELIS<sup>A</sup> BAILEY TO SELL REAL ESTATE.

A PETITION of Elisabeth Bailey<sup>1</sup> of York Widow in behalf of her only Child Elisabeth Bailey, shewing that she is, in her Fathers Right, interested a fourteenth Part of three small Parcels of undivided Land in Rowley, that the rest of the Owners have sold their Part, And therefore Praying for Liberty to sell her Daughters Part.

Read and

*Ordered* that the Pet<sup>r</sup> have liberty in his<sup>2</sup> said capacity to Sell the land herein mentioned for the most it will fetch She or her Attorney first giving caution to the Judge of Probate for the County of Essex<sup>3</sup> to Apply the proceeds thereof for the best Advantage of the Minor within named Observing also the directions of the Law relating to the sale of Intestate Estates by Exec<sup>rs</sup> Adm<sup>rs</sup> &c. [Passed November 30.

Legislative Records of the Council, xix., 68. Mass. Archives, xviii., 523.

Mass. Archives, xviii., 521. House Journal, p. 98. Province Laws, ii., 151, chap. 10.

## CHAPTER 116.

ORDER GRANTING TO BENJ<sup>A</sup> EAGER LICENCE TO KEEP A TAVERN.

A PETITION of Benjamin Eager of Shrewsbury in the County of Worcester shewing that he has purchased, of one Daniel Willard, a Farm in said Town, & the Dwellinghouse thereon, which has been used for some considerable time as a Tavern, & is commodiously situated for that Business; And therefore Praying that the Court of General Sessions of the Peace for the County of Worcester may be impowered to grant him a Licence for a Tavern upon his obtaining the Select mens Approbation

Read and

*Ordered* that the Justices of the Court [of]<sup>4</sup> Gen<sup>l</sup> Sessions of the Peace for the County of Worcester be and they hereby are Impowered to grant the Pet<sup>r</sup> a Licence in the House within mentioned (if they see cause) He first Obtaining the approbation of the Select Men of the Town of Shrewsbury. The time for granting Licences being elapsed notwithstanding. [Passed November 30.

Legislative Records of the Council, xix., 68. Mass. Archives, exi., 183.

Mass. Archives, exi., 182, 183. House Journal, p. 99.

## CHAPTER 117.

ORDER IMPOWERING ELIS<sup>A</sup> BREED, ADMINISTRATRIX, TO SELL REAL ESTATE.

A PETITION of Elisabeth Breed, Relict Widow & Administratrix of Nathan<sup>1</sup> Breed late of Boston, dec<sup>d</sup> Praying for Liberty to sell a small House & Land, belonging to the Deceased, situate in the South Part of s<sup>d</sup> Town, for the support & Education of his Children.

Read and

*Ordered* that the Prayer of the Petition be granted, & the Pet<sup>r</sup>

Legislative Records of the Council, xix., 69. Mass. Archives,

xviii., 498.

Mass. Archives,

xviii., 497.

<sup>1</sup> The House Journal, p. 98, reads, “Joshua Cheever . . . Guardian to Elizabeth Bailey, a Minor.”

<sup>2</sup> *Sic.*

<sup>3</sup> Legislative Records of the Council, xix., 68, reads, “York.”

<sup>4</sup> Inserted from Legislative Records of the Council, xix., 68.

House Jour.  
nal, p. 99.  
Province  
Laws, ii., 151,  
chap. 10.

in her said Capacity is hereby allowed & impowered to make Sale of the House & Land within mentioned, & to execute in due form of Law a Deed for Conveyance thereof to such Person as shall give most for the same, & that she be allowed the Improvem<sup>t</sup> of one third Part of the Produce of the Premises during her Life, and the Residue to be applied & disposed of for the maintenance of the said Deceased's Children,

Provided the Pet<sup>r</sup> observe the Directions of the Law pass'd in the 6<sup>th</sup> Year of his late Majesty King George relating to Executors & Admir<sup>rs</sup> Sale of real Estates, & give sufficient Security to the Judge of Probate for the County of Suffolk that the Principal Sum allow'd her as afores<sup>d</sup> shall at her Decease be paid back to the right Heirs of the Deceased, as also faithfully to apply the Residue or two thirds aforesaid for the Purpose aforesaid and to account therefor when thereunto lawfully required. [Passed November 30.<sup>1</sup>

## CHAPTER 118.

### ORDER FOR ADJOURNING THE COURTS IN BRISTOL & PLYMOUTH COUNTIES.

Legislative  
Records of the  
Council, xix.,  
70. Mass.  
Archives, xlii.,  
333.

House Jour.  
nal, pp. 100, 101.  
Province  
Laws, iii., 64,  
chap. 32.

WHEREAS by Law the Court of Gen<sup>l</sup> Sessions of the Peace & Inf<sup>r</sup> Court of Common Pleas for the County of Bristol are to be held on the second Tuesday of December Instant & The Court of Gen<sup>l</sup> Sessions of the Peace & Inf<sup>r</sup> Court of Common Pleas for the County of Plymouth are to be held on the Third Tuesday of S<sup>d</sup> December & Whereas diverse Members of the Gen<sup>l</sup> Court are concern'd att the S<sup>d</sup> Sessions & Courts of Pleas & the Important Affairs of this Government require their Attendance on this Court

Wherefore

*Ordered* That the S<sup>d</sup> Court of Gen<sup>l</sup> Sessions of the Peace & Inf<sup>r</sup> Court of Common Pleas for the s<sup>d</sup> County of Bristol be & they are hereby Adjournded to the 2<sup>d</sup> Tuesday of March next; and that The S<sup>d</sup> Courts for the County of Plymouth be and They are hereby adjourned to the first Tuesday of March next & all Officers & others concerned In s<sup>d</sup> Courts are to Conform themselves accordingly. [Passed December 1.

## CHAPTER 119.

### ORDER GRANTING TO JN<sup>o</sup> MORSE LICENCE TO KEEP A TAVERN.

Legislative  
Records of the  
Council, xix.,  
70. Mass.  
Archives, xlii.,  
178.

Mass.  
Archives, exi.,  
157, 173. House  
Journal, pp. 97,  
98.

A PETITION of John Morse of Cambridge, shewing that divers of the most substantial Men of the said Town, being sensible of the Want of an other Tavern there, for the Entertainment of Strangers, are desirous that the Petitioner should undertake the said Business; for which he has the Approbation of the Select men, And therefore Praying that the Justices of the County of Middlesex may be impowered, at their next General Sessions of the Peace, to grant him a Licence.

Read and it appearing that the Pet<sup>r</sup> has obtain'd the approbation of the Select Men of the Town of Cambridge

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is December 1.

*Ordered* that the Justices of the Gen<sup>l</sup> Sessions of the Peace for the County of Middlesex at their next Session in said County be allowed and impowered (if they See cause) to grant the Pet<sup>r</sup> a Licence to keep a publick House of Entertainment. the time for granting Licences being elapsed notwithstanding. [Passed December 1.]

## CHAPTER 120.

VOTE FOR PUTTING IN ORDER THE PAPERS ON FILE IN THE SECRETARY'S OFFICE.

*Ordered* that the Sec<sup>ry</sup> be directed to employ some proper Person at the Charge of the Province to put all the papers which were Saved from the Flames in the late fire which Consumed the Town House, upon File in proper Order. [Passed December 1.]

Legislative Records of the Council, xix., 71. Mass. Archives, lxxxviii., 412.

House Journal, p. 94. Province Laws, iii., 384, note. *Ante*, p. 110, chap. 276.

## CHAPTER 121.

ORDER FOR ADJOURNING THE COURTS IN MIDDLESEX COUNTY.

WHEREAS the Court of General Sessions of the Peace & Inferior Court of Common Pleas for the County of middlesex are by Law to be held on the second Tuesday of this instant December, and divers Persons concern'd in said Courts are members of the Great & General Court, where the affairs of publick Importance require their attendance: Therefore

*Order'd* that the aforesaid Courts of General Sessions of the Peace & Inferior Court of common Pleas for the County of middlesex be, and they are hereby adjourned to the third Tuesday of January next, and all Persons concern'd therein are to conform themselves accordingly. [Passed December 2.]

Legislative Records of the Council, xix., 71. Mass. Archives, xlii., 934.

House Journal, p. 102. Province Laws, iii., 64, chap. 32.

## CHAPTER 122.

ORDER GRANTING TO BENJ<sup>A</sup> JOHNSON AND JOSEPH PARKER LICENCES TO KEEP TAVERNS.

A PETITION of Benjamin Johnson, for himself & Joseph Parker, shewing that they have been Inn holders in the Town of Stoughton for divers years past & were licensed for this present year, that the Petitioner undertook to recognize for himself, & the said Parker, but was taken sick at the time of taking out Licences; & therefore Praying that the Court of General Sessions of the Peace for the County of Suffolk may be impowered to renew their Licences at their next Term.

Legislative Records of the Council, xix., 73. Mass. Archives, exi., 189.

Mass. Archives, cxii., 187, 189. House Journal, p. 106.

Read and

*Ordered* that the Justices of the Gen<sup>l</sup> Sessions of the Peace for the County of Suffolk at their Session in January next be and they hereby are Impowered to grant Benj<sup>a</sup> Johnson and Joseph Parker Licences to keep Houses of publick Entertainment (if they See cause) the time being elapsed notwithstanding. [Passed December 6.]

## CHAPTER 123.

## ORDER ALLOWING £8 AND A GUN TO JOS. FREEMAN, JR.

Legislative  
Records of the  
Council, xix.,  
73. Mass.  
Archives,  
lxxiii., 598.

Mass.  
Archives,  
lxxiii., 597.  
House Jour.  
nal, pp. 98, 106.  
Province  
Laws, xiii., 465,  
chap. 1. *Ante*,  
p. 11, chap. 11.

A PETITION of Joseph Freeman Jun<sup>r</sup> of Harwich setting forth his Services & Sufferings in the late War, being grievously wounded by the Enemy, & having lost his Gun in the Service, Praying for Relief.

Read and

*Ordered* that the Comm<sup>ee</sup> of War be directed to pay Mr Edward Bangs Rep<sup>rve</sup> of Harwich for the Use of the Pet<sup>r</sup> the Sum of Eight pounds in consideration of his Sufferings within mentioned. And that the Commissary Gen<sup>l</sup> be directed to deliver to the Pet<sup>r</sup> or Order a good Gun out of the Province Store. [Passed December 6.]

## CHAPTER 124.

## ORDER ALLOWING £12. 10 TO MOSES HOYT.

Legislative  
Records of the  
Council, xix.,  
73. Mass.  
Archives,  
lxxiii., 596

Mass.  
Archives,  
lxxiii., 596.  
House Jour.  
nal, pp. 98, 106.  
Province  
Laws, xiii., 465,  
chap. 1. *Ante*,  
p. 164, chap. 59.

A PETITION of Moses Hoyt a Soldier in the late War, setting forth his Services & Sufferings therein And Praying that this Court would grant him some proper Recompence and Relief.

Read and

*Ordered* that the Comm<sup>ee</sup> of War be directed to pay to Mr Benja<sup>a</sup> Greanleaf Rep<sup>rve</sup> of Newbury for the relief of the Pet<sup>r</sup> twelve pounds ten Shillings. [Passed December 6.]

## CHAPTER 125.

## ORDER IMPOWERING JOHN STOCKWELL, ADMINISTRATOR, TO SELL REAL ESTATE.

Legislative  
Records of the  
Council, xix.,  
78. Mass.  
Archives,  
xviii., 494.

Mass.  
Archives,  
xviii., 493, 495.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Joseph Sibley, shewing that his Brother Jonathan Sibley of Sutton died Intestate, & seized of a considerable Estate in Lands in said Town, Leaving only one Daughter, that the Widow took out Administration on the said Estate but died before it was finished, the Daughter also died; being an Infant; that the real Estate cannot be conveniently divided among all the Heirs; And therefore Praying for Licence from this Court to sell the said real Estate of the said Jonathan Sibley.

Read &

*Ordered* that the Prayer of this Petition be so far granted as that John Stockwell Admin<sup>r</sup> of the Estate of the Intestate unadministred by his Widow, be & hereby is impowered to make Sale of the Tract of Land within ment<sup>d</sup> & to execute in due form of Law a Deed or Deeds for the Conveyance thereof to such Person or Persons as shall give most for the same: Provided the said Administrator observe the Directions of the Law pass'd in the 6<sup>th</sup> Year of his late Majesty King Geo: the 1<sup>st</sup> relating to Executors & Admin<sup>r</sup>s Sale of Lands, & give sufficient Security to the Judge for Probate of Wills &c<sup>a</sup> in the County of Worcester, that the Produce of the Premises shall be distributed

among the Heirs of the said Intestate pursuant to Law, & also that each Person of Age & the Guardians of such as are Minors receiving any Part of the said Produce shall give Bond to the s<sup>d</sup> Judge to pay back their Proportion of such Debts of the Intestate which shall hereafter appear as his personal Estate shall fall short of discharging.<sup>1</sup> [Passed December 6.<sup>2</sup>

## CHAPTER 126.

### ORDER ALLOWING £4 TO CPT. JOHN LANE.

A PETITION of Cpt. John Lane, an Officer in the late Expedition against Cape Breton shewing that, by reason of Sickness, which he fell into, while in the Service, he is now reduced to a very low & helpless Estate, & therefore Praying for some Relief from this Court

Legislative Records of the Council, xix., 74. Mass. Archives, lxxiii., 564.

Read and

*Ordered* that the Treasurer be directed to Pay to Cap<sup>t</sup> Thomas Bragdon Rep<sup>ve</sup> of York for the relief of the Pet<sup>r</sup> four pounds out of the publick Treasury. [Passed December 7.

House Jour-nal, pp. 103, 108.

## CHAPTER 127.

### ORDER ALLOWING 50/- TO JAMES GREENWOOD.

A PETITION of James<sup>3</sup> Greenwood of Sherburn, Praying that he may be allowed Fifty shillings out of the publick Treasury, for taking the Valuation of the rateable Estate of the Inhabitants of Natick, by Order of this Court, the Inhabitants refusing to pay that Charge.

Legislative Records of the Council, xix., 74. Mass. Archives, cii., 445.

Read and

*Ordered* that the Pet<sup>r</sup> be allowed the Sum of fifty Shillings out of the publick Treasury to be paid to Thomas Greenwood Esq<sup>r</sup> for the abovementioned Service. And that Said Sum be added to the Tax of said Plantation in the next Tax Act. [Passed December 7.

House Jour-nal, p. 108.  
*Ante*, p. 131, chap. 334.

## CHAPTER 128.

### ORDER ALLOWING £4 TO JNO SPEAR.

A PETITION of John Spear of Woburn, Praying for some Allowance in Consideration of the Death of his Son at Cape Breton in the publick Service, & the Loss of a Gun, which was charged to his Son David Spear by the Commissary.

Legislative Records of the Council, xix., 78. Mass. Archives, lxxiii., 600.

Read and

*Ordered* that the Comm<sup>ee</sup> of War be directed to pay the Pet<sup>r</sup> or Ord<sup>r</sup> the Sum of four pounds in full consideration for the Gun mentioned and the Sufferings of his said Son. [Passed December 9.<sup>4</sup>

Mass. Archives, lxxiii., 599.  
House Jour-nal, pp. 106, 113.  
Province Laws, xiii., 465, chap. 1.

<sup>1</sup> Not found in the House Journal.

<sup>2</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is December 11.

<sup>3</sup> The petition is signed "Wm Greenwood;" the House Journal, p. 108, reads, "William."

<sup>4</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is December 11.

## CHAPTER 129.

## ORDER ALLOWING £10 AND A GUN TO THO. GOODMAN.

Legislative  
Records of the  
Council, xix.,  
77. Mass.  
Archives,  
lxxiii., 592.

Mass.  
Archives,  
lxxiii., 591.  
House Jour-  
nal, pp. 98, 115.

A PETITION of Thomas Goodman<sup>1</sup> of Hadley, shewing that his Brother Samuel Goodman, a Soldier at Massachusetts Fort was taken there & carried Captive to Canada, where he died, leaving no Relations nearer than the Petitioner, Praying an Allowance for his Services & Sufferings of the said Samuel, & for a Gun lost, when he was taken;

Read and

*Ordered* that the Treasurer be directed to pay the Pet<sup>r</sup> ten pounds in consideration of the Sufferings of the Dec'd by him to be distributed among the Heirs of the said Dec'd according to Law.

*Ordered* also that the Commissary General be directed to deliver the Pet<sup>r</sup> a good Gun out of the Province Store the value thereof to be distributed in like manner. [Passed December 11.

## CHAPTER 130.

## ORDER ALLOWING £2. 15. 1 TO STEP. BOYNTON.

Legislative  
Records of the  
Council, xix.,  
77. Mass.  
Archives,  
lxxiii., 611.

House Jour-  
nal, pp. 112, 115.

A PETITION of Stephen Boynton, lately a Soldier in the Eastern Parts, shewing that he was dismissed by his Officer, without Provisions to carry him Home, & his Wages not carried out in the Muster Roll the full Time; Praying that the same may be made good to him by this Court.

Read and

*Ordered* that the Treasurer be directed to pay the Pet<sup>r</sup> the Sum of two pounds fifteen Shillings and One penny in full consideration for his Wages and Billeting abovementioned. [Passed December 11.

## CHAPTER 131.

## ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE PETITION OF YE THIRD PARISH IN WOBURN IN REGARD TO TAXES.

Legislative  
Records of the  
Council, xviii.,  
460; xix., 79.  
Mass.  
Archives, xli.,  
615.

Mass.  
Archives, xii.,  
614. House  
Journal, pp. 24,  
71, 117, 136.

Province  
Laws, xiii., 622,  
chap. 88.

A PETITION of the Inhabitants of the third Parish in Woburn setting forth the Difficulties they are under by reason of several Persons belonging unto them being taxed in the first Parish; Praying for Redress from this Court.

The Committee, appointed to take into Consideration the Petition of the third Parish in Woburn, having heard the Parties, do humbly report as follows,

That Joshua Eames, who attends the Ministry of the third Parish, & is invested with the Property of the Estate, late in the Possession of his Brother Caleb Eames, who petitioned to be set off to said third Parish, & that Seth Richardson, Son of Cpt. Richardson belonging to the Family of his s<sup>d</sup> Father, when the third Parish was incorpo-

<sup>1</sup> The petition is signed "Goodman;" the House Journal, p. 115, reads, "Goodwin."

rated, & still attending the Ministry there, Major John Fowle, who bought a Farm belonging to an Episcopalian, when the said third Parish was set off; which Farm is now possessed by his Son, who belongs to the third Parish, & the Estate of William Patterson, in the Improvem<sup>t</sup> of William Stanet & Archibald Gamble, who are Associates of the third Parish; That the said Persons & Estates above mentioned, under their Improvem<sup>t</sup> be accounted as Part of the said Parish, there to do Duty & receive Privilege: And for ending several other Disputes that have arisen, The Committee further report, as their Opinion; that the several Tenants & those that have (since the afore said Incorporation of the said third Parish) become Proprietors of the Estates that were so set off to the third Parish, shall with their Families pay Taxes for their Polls & Estates to the first Parish, altho' they attend the Ministry of the respective Parishes where their Estates do not belong: And some of them signified their Desire to be set to the third Parish.

Which is submitted;

EZEK. CHEVER per Order

*Ordered* that the Consideration of this Report be revived, & that the same be & hereby is Accepted. [Passed December 12.

## CHAPTER 132.

### ORDER GRANTING TO WM BECKET, JR, EDWARD BRITTON AND JOHN PALMER LICENCES TO KEEP TAVERNS.

A PETITION of William Becket Jun<sup>r</sup> & Edward Breton, both of Salem, & John Palmer of Marblehead Inn holders; shewing that by Sickness & other Accidents, they have been prevented from taking out their Licences, at the proper Term; & therefore Praying that the Court of General Sessions of the Peace for the County of Essex may be impowered, by this Court, to grant them Licences, as Inn holders, at their next Term.

Legislative  
Records of the  
Council, xix.,  
80. Mass.  
Archives, cxii.,  
190.

It appearing to this Court that William Beckett and Edward Britton Two Of the within Petitioners have Obtained the Approbation of the S[e]lect men of the Town of Salem to keep Houses Of Publick Entertainment in said Town therefore

*Ordered* that the Court of Generall Sessions of the peace Next to be holden at Salem in & for the County Of Essex on y<sup>e</sup> Last Tuesday of this Instant December be & they are hereby Impowered to Grant Each of them a Lycence Lycence<sup>1</sup> if they See cause the time by Law appointed for Granting Lycence being pass'd notwithstanding & that Said Court be Also Impowered to Allow John Palmer the other petitioner to Recognize for duely Observing the Laws & paying his Excise as a Retailer in y<sup>e</sup> Town of Marblehead.<sup>2</sup> [Passed December 12.

<sup>1</sup> Sic.

<sup>2</sup> Not found in the House Journal.

## CHAPTER 133.

## ORDER ALLOWING A GUN TO SETH BANISTER.

Legislative  
Records of the  
Council, xix.,  
S<sup>t</sup>. Mass.  
Archives,  
lxxiii., 574.

House Jour-  
nal, p. 116.

A PETITION of Seth Banister of Brookfield, Praying for an Allowance out of the publick Treasury, for a Gun of his which was impressed into the publick Service in the Beginning of the War; for which he has not yet been paid.

Read and

*Ordered* that the Commissary Gen<sup>l</sup> be directed to deliver the Pet<sup>r</sup> or Order a Gun out of the Province Store in consideration of that impressd as above mentioned. [Passed December 12.]

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## CHAPTER 134.

ORDER ALLOWING £20 AND A GUN TO BENJ<sup>A</sup> SIMONDS.

Legislative  
Records of the  
Council, xix.,  
S<sup>t</sup>. Mass.  
Archives,  
lxxiii., 595.

Mass.  
Archives,  
lxxiii., 596.  
House Jour-  
nal, pp. 98, 117.

A PETITION of Benjamin Symonds, shewing that he was taken by the Enemy, at Massachusetts Fort, & carried to Canada where he endured much Hardship; Praying for some Allowance from this Court, in Consideration thereof, & of ye Loss of his Gun, when he was taken.

Read and

*Ordered* that the Treasurer be directed to Pay the Pet<sup>r</sup> the Sum of twenty pounds in consideration of his Sufferings mentioned. And that the Commissary Gen<sup>l</sup> be directed to deliver the Pet<sup>r</sup> a Gun out of the Province Store. [Passed December 12.]

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## CHAPTER 135.

Legislative  
Records of the  
Council, xix.,  
S<sup>t</sup>. Mass.  
Archives,  
xxxii., 644.

Mass.  
Archives,  
xxxii., 643, 645.  
Legislative  
Records of the  
Council, xviii.,  
43. House  
Journal, p. 198  
January,  
1746.; p. 117.  
Province  
Laws, iii., 306,  
chap. 12.

## ORDER DIRECTING THE GUARDIANS OF THE GAY HEAD INDIANS TO RENDER THEIR ACCOUNTS.

A PETITION of the Indian Proprietors of Gay Head on Marthas Vineyard, Complaining of great Injuries & Oppressions, whieh they have received from their English Neighbours, & particularly of their Guardians, appointed by this Court; & Praying for Redress of their Grievances

Read and

*Ordered* that the Guardians of the Indians of Marthas Vineyard lay an Account of their Transactions before this Court as soon as may be. And the Consideration of this Petn is refer'd in the mean time. [Passed December 12.]

## CHAPTER 136.

## ORDER ALLOWING £3 AND A GUN TO THO. TAYLOUR.

A PETITION of Thomas Taylour, Praying for some proper Allowance for his Sufferings in being captivated by the Enemy, when in the publick Service & for a Gun, belonging to Him, which he then lost.

Read and

*Ordered* that the Pet<sup>r</sup> be allowed out of the publick Treasury the Sum of three pounds in consideration of his Loss of time &c And that the Commissary Gen<sup>l</sup> be directed to deliver him a good Gun out of the Province Store. [Passed December 13.]

Legislative Records of the Council, xix., 81. Mass. Archives, lxxiii., 590.

Mass. Archives, lxxiii., 590. House Journal, pp. 112, 120.

## CHAPTER 137.

## ORDER ALLOWING £47. 5 AND A FURTHER ALLOWANCE OF £75 TO ROBT BALL.

A PETITION of Robert Ball Keeper of the Light house, Praying for an Advancem<sup>t</sup> of of<sup>1</sup> his Salary, which was due the 8<sup>th</sup> of Novem<sup>r</sup> last; & that he may be allowed what he he<sup>1</sup> has laid out in providing Firewood for keeping the Oyl in y<sup>e</sup> Lamips from Conegaling.

Read and

*Ordered* that the Treasurer be directed to Pay the Pet<sup>r</sup> the Sum of forty Seven pounds five Shillings expended for fire wood the last Year. And it appearing that the Pet<sup>r</sup> has been faithful and careful in Securing the Wharffe at the Light House at his own Cost, and is also at considerable Expence for Persons to attend the business of said House. It is further

Legislative Records of the Council, xix., 82. Mass. Archives, lxiv., 347.

Mass. Archives, lxiv., 345. House Journal, pp. 109, 118. *Ante*, p. 217, chap. 212.

*Ordered* that He be allowed out of the publick Treasury the Sum of Seventy five pounds for his Services there, from the 8<sup>th</sup> of Nov<sup>r</sup> 1748 to the 8<sup>th</sup> of Nov<sup>r</sup> 1749. [Passed December 13.]

## CHAPTER 138.

ORDER ALLOWING A GUN TO EBEN<sup>R</sup> NIMS.

A PETITION of Ebenezer Nismes<sup>2</sup> of Deerfield, Praying that he may be allowed out of the publick Treasury the Value of a Gun, which his Son Elisha lost, when he was killed by the Enemy at Massachusetts Fort.

Read and

*Ordered* that the Commissary Gen<sup>l</sup> be directed to deliver the Pet<sup>r</sup> a good Gun out of the Province Store. [Passed December 13.]

Legislative Records of the Council, xix., 82. Mass. Archives, lxxiii., 582.

Mass. Archives, lxxiii., 582. House Journal, pp. 112, 120.

<sup>1</sup> *Sic.*

<sup>2</sup> The petition is signed "Ebenezer Nims." See Mass. Archives, lxxiii., 582.

## CHAPTER 139.

## ORDER ALLOWING £24. 10. 9 TO JOHN DAY.

Legislative  
Records of the  
Council, xix.,  
S2. Mass.  
Archives,  
Ixiv., 349.

A PETITION of John Day, setting forth his Services at Governors Island in Watching there, in the time of an Embargo, to prevent Vessels going out without Licence; Praying for an Allowance from this Court.

Mass.  
Archives,  
Ixiv., 348.  
House Jour-  
nal, pp. 75, 107,  
113.

Read &

*Ordered* that the Pet<sup>r</sup> be allowed the Sum of twenty four pounds ten Shillings and nine pence in full consideration for his Service abovementioned. [Passed December 13.]

## CHAPTER 140.

## RESOLVE DIRECTING ASSESSMENTS TO BE MADE IN CONFORMITY WITH THE TREASURERS WARRANTS.

Legislative  
Records of the  
Council, xix.,  
S3. Mass.  
Archives, cii.,  
446.

House Jour-  
nal, p. 118.  
Province  
Laws, iii., 432,  
chap. 15.

WHEREAS the Province Treasurer in consequence of the Law of this Province made and passed by the Great and General Court at their Session and Sessions begun and held at Boston upon Wednesday the 25<sup>th</sup> of May 1748 & Continned by Prorogation and adjournments to Wednesday the 21<sup>st</sup> day of December following and then met, " Entituled an Act for drawing in the Bills of Credit of the several Denominations which have at any time been Issued by this Government and are still outstanding and for ascertaining the Rate of Coined Silver in this Province for the future " Did in June last Issue his Warrants directed to the several Selectmen or Assessors of the several Towns in this Province requiring them to assess the Poles and Estates of the Inhabitants of the said Towns as he apprehended agreeable to the Rules and Directions of the said Act, but being afterwards sensible of a mistake in the Sum by said Warrants directed to be Levied upon the Pole did on the first day of August last under his hand notify most or all of the said Assessors of the said mistake and therein direct that the Sum to be Levied on each Pole towards the said Tax should be sixteen shillings and one penny, which Sum was agreeable to the said Act and the true intent thereof. Therefore

*Resolved* that the Selectmen or assessors of the several Towns in this Province who have not made their assessments conformable to the said direction of the said Treasurer. That they forthwith make their respective Assessments and that they therein conform themselves to the said Warrants and Direction in Explanation thereof, and all persons are Hereby enjoyn'd to conform themselves thereto as though the said Warrants had been originally Issued according to the true intent of Law. And where such assessments have been made by any of the Selectmen or assessors of the Towns of this Province agreeable to the said Warrants and after directions in explanation thereof. It is hereby

*Ordered* that the same be held good and valid. and All Persons are Injоyn<sup>d</sup> to conform themselves accordingly. [Passed December 14.]

## CHAPTER 141.

## ORDER ACCEPTING THE REPORT OF COMMITTEE AND CONFIRMING THE PROCEEDINGS AT A MEETING IN THE TETTICUT PRECINCT.

A PETITION of Benjamin Washburn Agent for the Precinct of Legislative  
Tetticut in the Towns of Bridgwater & Middleboro', shewing that Records of the  
at a Meeting of the said Precinct they voted a Tax of £500 Old Council, xix.,  
Tenor for the Charge of the said Precinct, and the Assessors com- 546, 84. Mass.  
mitted the same to the Collector who levied it upon the Inhabi- Archives, xii.,  
tants, but divers of them refused Payment, and one of them has 733.  
commenced an Action against the Collector, and for as much as Mass.  
there was some Defect in the Form of the Notification; therefore Archives, xii.,  
praying that this Court would confirm the s<sup>d</sup> Tax, notwithstanding 731-733. Legis-  
the said Defect, lative Records  
of the Council, xix., 64.  
House Jour-  
nal, pp. 77, 78,  
90, 121.

The Committee to whom the Consideration of the Petition of Benj<sup>a</sup>  
Washburn was referred haveing Attended that Service and heard the  
Parties thereon Report That the prayer of y<sup>e</sup> Pet<sup>o</sup> be granted; and  
That the proceedings at the Meeting mentioned in the Petition be  
held & Deemed good And Valid in the Law: the Defect in the Noti-  
fication for Calling Said Meeting Notwithstndg

Which is humbly Submitted. JOHN GREENLEAF

Read & Accepted, &

Ordered that the Proceedings of the Meeting mentioned in the  
Petition be & they hereby are held & deemed good & valid in the  
Law, the Defect in the Notification for calling said Meeting not-  
withstanding. [Passed December 14.

## CHAPTER 142.

VOTE FOR A SPECIAL COURT TO TRY THE ALLEGED MURDERERS OF  
INDIANS AND DESIRING THE LIEUT GOVERNOR TO ISSUE A PROC-  
LAMATION FOR THE APPREHENSION OF OBIDIAH ALBY JUN. AND  
PROVIDING FOR THE CARE AND SUPPORT OF CERTAIN INDIANS.

Voted that His Hon<sup>r</sup> the Lieut<sup>t</sup> Governour be desired with the Legislative  
Advice and Consent of the Council to Issue a Precept directed to Records of the  
the Justices of the Court of Assize and Gen<sup>l</sup> Goal Delivery. And Council, xix.,  
Order and Appoint them to hold a Special Court as soon as may be 83. Mass.  
at York within the County of York, for the Tryal of sundry Persons Archives,  
who are Suspected to be Guilty of Murther in said County. And xxxi., 668.  
to Cause Venires to be Issued forth for the Summoning Jurors for Legislative  
Such Court out of the several Towns as usual for the stated Court Records of the  
there and to make out all other necessary Processes, and do what Council, xix.,  
else shall be requisite according to the Powers given them in and 79. House  
by the Act for Establishing a Superior Court of Judicature, Court Journal,  
of Assize and General Goal Delivery. The Judges and Officers of p. 118, 120.  
such Special Court to have such allowance for their Attendance and Commissions  
Service as shall be hereafter Ordered by this Court. 1754-1757,  
*Infra*, chap. 3.

Voted also that His Hon<sup>r</sup> the Lieut<sup>t</sup> Gov<sup>r</sup> be desired to Issue a  
Proclamation for Apprehending and Securing Obadiah Alby Jun<sup>r</sup>  
who is Suppos'd to have been principally concerned in perpetrating  
said Murther, and has Absconded.

Also that He give Order that the best care be taken of the Wounded

Indians. And that a Skilful Surgeon, proper Attendance and other Necessaries be provided for them. Likewise that the fourteen Indians mentioned in said Letter as Suffering for want of Provisions be furnished with necessaries for their Relief at the publick Charge not exceeding three Months. [Passed December 14.]

## CHAPTER 143.

### VOTE DESIRING THE LIEUT. GOVERNOR TO ORDER A GUARD FOR THE GOAL IN THE COUNTY OF YORK.

Legislative Records of the Council, xix., 85. Mass. Archives, xlvi., 23.

House Jour. p. 123.  
*Supra*, chap. 142.

*Voted* that His Hon<sup>r</sup> the Commander in Chief be desired to give Order to the Commanding Officer of the Militia in the Western part of the County of York. That He Cause Nine able bodied effective Men to Guard the Goal in the County of York. That the Prisoners confin'd there on Suspicion of Murther may be well Secured in order for a Tryal. [Passed December 15.]

## CHAPTER 144.

### ORDER IMPOWERING ARTH. & RACH. SAVAGE, GUARDIAN, TO SELL REAL ESTATE.

Legislative Records of the Council, xix., 86. Mass. Archives, xviii., 341.

Mass. Archives, xviii., 539—542. House Journal, pp. 93, 123, 124. Province Laws, ii., 151, chap. 10.

A PETITION of Arthur Savage & Rachel his Wife, Guardian of her Daughter Mary Clough, a Minor, who is Heir to a considerable real Estate in the said Town, whereon are divers Buildings, which are gone much to Decay, so that the Rents are not sufficient to repair them, & maintain the said Minor; Therefore Praying that they may be enabled to sell so much of the said Estate, as will be necessary to put the Remainder into such Repair, as to make it tenentable.

Read and

*Ordered* that the Pet<sup>rs</sup> be and they hereby are allowed and impowered to make Sale of so much of the Estate within mentioned as will put the remaining part into tenantable repair. And the Overplus if any there be to be applyed to the Maintenance of the Child herein named. Provided the Pet<sup>rs</sup> first give Seasonable Notice of the Sale Agreeable to the Act directing the Sale of Intestate Estates and give proper Caution to the Judge of Probate for the County of Suffolk that the proceeds shall be duly applyed to the purposes Above mentioned. [Passed December 16.]

## CHAPTER 145.

### ORDER APPOINTING COMMISS<sup>RS</sup> TO RUN THE LINE ON RHODE ISLAND COLONY.

Legislative Records of the Council, xix., 87.

Legislative Records of the

In Council;

*Ordered* that John Chandler Esq<sup>r</sup> with such Gentlemen as shall be joined by the Hon<sup>ble</sup> House of Represent<sup>ves</sup> be the Commissioners from this Governm<sup>t</sup> to meet with Commissioners from the

Governm<sup>t</sup> of Rhode Island, in Order to run & renew the Line, <sup>Council, xix., 77, 84.</sup> House agreed on & settled by both Governm<sup>ts</sup> the 19<sup>th</sup> of January 1710, 11. <sup>Journal,</sup> pp. 125, 126.

In the House of Represent<sup>ves</sup> Read & Coneur'd; & Joseph Dwight & James Otis Esq<sup>rs</sup> are joined in the Affair. [Passed December 19. <sup>Province Laws, ix., 159, chap. 120.</sup>

## CHAPTER 146.

### ORDER IMPOWERING TIM<sup>O</sup> GREEN & JONAS LEONARD, GUARDIANS, TO SELL LANDS.

A PETITION of Timothy Green & Jonas Leonard, Guardians of the Children of Hezekiah Barber Dec<sup>d</sup> shewing that the personal Estate of the said Barber is all expended for the Payment of his Debts; & Praying for Liberty to sell three Canada Rights, & three other Pieces of Land in Stoughton, belonging to the said Estate, for putting his other Lands & Tenements into good Repair for the Benefit of the Children.

Read and

Ordered that the abovenamed Timothy Green and Jonas Leonard in their Capacity be allowed and impowered to make Sale of the three pieces of Land lying in Stoughton in the County of Suffolk and the three rights of Land lying in Dorchester Canada (so called) for the most they will Sell for. They Observing the directions of the Law relating to the sale of Intestate Estates. They also giving Caution to the Judge of Probate for the County of Suffolk That they apply the Proceeds thereof for the purposes in the Pet<sup>n</sup> Mentioned. [Passed December 19.

Legislative Records of the Council, xix., 87. Mass. Archives, xviii., 507.

Mass. Archives, xviii., 506. House Journal, p. 125. Province Laws, ii., 151, chap. 10.

## CHAPTER 147.

### ORDER ALLOWING £27. 1. 9 TO CAPT. JN<sup>O</sup> HARMAN & COMPANY.

A PETITION of Cpt. John Harman & the Company under his Command in the late Expedition against Cape Breton, Setting forth the Arrears of Provisions due to them; & Praying for an Allowance thereof:

Read and

Ordered that the Sum of Twenty Seven pounds one Shilling and Ninepence be allowed to the Pet<sup>r</sup> and the Company mentioned under his Command out of the publick Treasury. And the Treasurer is hereby directed to Pay the Persons born on that Muster roll or their Order or Legal Representatives the several Sums Justly due to them, upon their producing a Certificate of their being in the Service as within mentioned. [Passed December 19.

Legislative Records of the Council, xix., 87. Mass. Archives, lxiii., 593.

Mass. Archives, lxxiiii., 594. House Journal, pp. 116, 126.

## CHAPTER 148.

## ORDER REVIVING THE POWER EXTENDING THE TIME FOR THE INHABITANTS OF BEDFORD TO ASSESS TAXES.

Legislative Records of the Council, xix.,  
57. Mass. Archives, exv.,  
531.

Mass. Archives, exv.,  
530. House Journal,  
pp. 113, 125.  
Province Laws, xiii., 533,  
chap. 179.

A PETITION of the Inhabitants of Bedford in the County of Hampshire, shewing that the Time limited by this Court for empowering them to chuse Officers, raise Taxes, by Assessing & Collecting the same, expired the twenty fourth of January last, Praying that the same Power may be revived:

Read and Inasmuch as the Power granted by the Court on January 24<sup>th</sup> 1745 to the said Inhabitants to raise Taxes Choose Officers &c for Assessing and Collecting the necessary publick Charges arising in said Township ended in January last. Therefore

*Ordered* that the same power with respect to the same Lands be revived, and from the time it ended be further continued for the Space of three Years.

And that M<sup>r</sup> Daniel Brown a principal Inhabitant there be impowered to call the first Meeting. [Passed December 19.]

## CHAPTER 149.

ORDER CONFIRMING 240 ACRES OF LAND TO EPHR. WILLIAMS, ESQ<sup>R</sup>, & TIM<sup>O</sup> WOODBRIDGE.

Legislative Records of the Council, xix.,  
91. Mass. Archives,  
xxxii., 648.

Mass. Archives,  
xxxii., 647-649,  
651-654. Maps  
and Plans,  
xxxiii., 24.  
House Jour-  
nal, pp. 110, 126.

A PETITION of Ephraim Williams Esq<sup>r</sup> & Timothy Woodbridge, Praying that this Court would confirm to them a Tract of Two hundred & forty Acres of Land, granted to them by the Indians of Stockbridge, in Consideration of a sum of Money, advanced for their Service (lying in the said Town of Stockbridge,) A Plan of which Land being herewith presented.

Read &

*Ordered* that the Two hundred and forty Acres of Land lying in Stockbridge (as described in the Plan herewith presented) which were Voted and Granted by the Indians in Stockbridge at their Town Meeting 17<sup>th</sup> of October 1740 to Ephraim Williams Esq<sup>r</sup> and M<sup>r</sup> Tim<sup>o</sup> Woodbridge be and hereby are Confirmed to the said Ephraim Williams and Timothy Woodbridge their Heirs and Assigns in consideration of the Sum of fifteen pounds New York Currency advanc'd by said Williams and Woodbridge for the Use of the Indians aforesaid in the Year 1740. [Passed December 19.]<sup>1</sup>

## CHAPTER 150.

Legislative Records of the Council, xix.,  
89.

House Jour-  
nal, pp. 112, 130.

ORDER FOR APPOINTING AN ARMOURER FOR YE TRUCK HOUSE AT ST GEORGES.

*Ordered* that an Armoner be stationed at S<sup>t</sup> Georges Truck House; & that an Establishm<sup>t</sup> be made accordingly. [Passed December 22.]

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is December 23.

## CHAPTER 151.

## ORDER ACCEPTING THE REPORT OF THE COMMITTEE ABOUT LANDS CLAIMED BY NEW HAMPSHIRE MEN.

A PETITION of Richard Hazzen & Jonathan Colburn, both of Haverhill in the County of Essex, shewing that they have been grievously molested in the Possession of their Lands (granted by said Town,) by Suits in the Law, commenced against them by the Inhabitants of New Hampshire, & tried in that Province; & Praying for Redress from this Court.

The Committee having attended the Service, are of Opinion That it may be of great Importance to the Interest of a great Number of the Inhabitants of this Province that the Cause refer'd to in the Petition of Thomas Follensby & others should be defended in the best manner, before his Majesty in Council; And it appearing to the Committee very probable, that such Defence will not be made, without the Aid of this Court, They are humbly of Opinion, That Assurance be given, by the Court to the Petitioners, or to such Persons as may undertake on their behalf That what necessary Expence may attend the Cause in England, not exceeding One hundred Pounds Sterling shall be allowed out of the publick Treasury: The Committee are of Opinion that the other Petitions be refer'd for further Consideration, All which is humbly submitted

JOHN HILL by Order of the Committee

Read &

*Ordered* that this Report be Accepted. [Passed December 22.

## CHAPTER 152.

ORDER ON THE PETITION OF JONATH<sup>N</sup> HEYDEN, JUN., FOR A NEW TRIAL.

A PETITION of Jonathan Hayden Jun<sup>r</sup> of Braintry, shewing that by the Judgement of the Court of General Sessions of the Peace for the County of Suffolk, he is held by Bond, to pay for the Maintenance of a Bastard Child, born of the Body of Rebecca Howard of Braintry, as the reputed Father thereof, altho' at that time the said Child was by many thought to be a Molatto, & that now the thing is more apparent to the general Satisfaction of those, that have seen the said Child; & therefore Praying that this Court would allow an other Trial of the said Matter at the Court above mentioned.

Read together with the Answer of Rebecca Howard & the Matter being fully considered

*Order'd* that the Court of Gen<sup>l</sup> Sessions of the Peace to be holden at Boston within & for the County of Suffolk on the first Tuesday of January next, be & hereby are empowered to hear & try the Affair within mentioned de Novo, & in Case, upon such Trial the Affair appear to the Court, as is suggested by the Pet<sup>r</sup>, that then they supersede their former Proceedings thereon, & declare the same to be Null & void, & the Process on the Bond within mentioned is stayed in the mean Time. [Passed December 22.

Legislative Records of the Council, xix., 86, 89.

Mass. Archives, v., 166. House Journal, pp. 124, 130.

Legislative Records of the Council, xix., 82. Mass. Archives, cv., 343.

Mass. Archives, cv., 341-345. Legislative Records of the Council, xix., 89. House Journal, pp. 111, 130.

## CHAPTER 153.

## ORDER IMPOWERING JOS. ROBINSON, GUARDIAN, TO SELL REAL ESTATE.

Legislative  
Records of the  
Council, xix.,  
90. Mass.  
Archives,  
xviii., 547.

Mass.  
Archives,  
xviii., 546.  
House Jour-  
nal, pp. 126, 129.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Joseph Robinson Guardian of Keziah Price of Falmouth in the County of Barnstable a Minor, Praying for Liberty to sell the Real Estate of the said Keziah Price for Clearing the Incumbrance thereon and making it more beneficial to the said Minor.

Read and

*Ordered* that the Petitioner in his Capacity be and He hereby is allowed and impowered to make sale of the real Estate within mentioned for the most it will fetch. He first giving publick Notice of said Sale according to Law. and giving proper Caution to the Judge of Probate for the County of Barnstable, that the Proceeds thereof be duly and truly applyed to the purposes within mentioned. [Passed December 22.]

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## CHAPTER 154.

## ORDER ALLOWING A GUN TO ABRA: GRAVES.

Legislative  
Records of the  
Council, xix.,  
90. Mass.  
Archives,  
Ixxiii., 586.

Mass.  
Archives,  
Ixxiii., 586.  
House Jour-  
nal, pp. 112, 131.

A PETITION of Abraham Graves, Praying for an Allowance out of the Treasury for a Gun, which he lost with his Son Asahel Graves, who was killed by the Indian Enemy, while he was a Soldier.

Read and

*Ordered* that the Commissary Gen<sup>l</sup> be directed to deliver to Col<sup>o</sup> Hinsdell Rep<sup>ue</sup> of Deerfield a Gun out of the Province Store for the Use of the Pet<sup>r</sup>. [Passed December 23.]

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## CHAPTER 155.

## ORDER DIRECTING THE COMMISSARY GENERAL TO SEND SUPPLIES FOR THE INDIAN TRADE AT SACO.

Legislative  
Records of the  
Council, xix.,  
91.

House Jour-  
nal, p. 127.

*Ordered* that the Commissary General be directed to send down to Jonathan Bane, Commander of the Truck house at Saco, a Quantity of Goods, proper for the Use of the Indians, trading there, to the Value of Two hundred Pounds; said Bane to be subject to such Regulations & Restrictions, as the other Truck masters in the Province, & to be accountable to this Court, for the Disposition of said Goods &c. [Passed December 23.]<sup>2</sup>

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council and the House Journal the date is December 22.

<sup>2</sup> Court adjourned to December 26. See Legislative Records of the Council, xix., 92.

## CHAPTER 156.

ORDER IMPOSING A TAX OF ONE PENNY PER ACRE FOR FIVE YEARS  
ON LANDS IN BLANFORD.

A MEMORIAL of Francis Wells Esq<sup>r</sup> & John Foye, shewing that (as principal of the Town of Blanford) they were notified of the Petition of the Inhabitants of said Place, Praying to have Liberty to tax the unimproved Lands, for the Support of the Ministry & other Charge, And signifying their free Consent to y<sup>e</sup> levying of the said Tax.

Read and

*Ordered* that a Tax of one penny per Acre Yearly be impos'd upon all the Lands in said Town of Blanford for the term of five Years next ensuing for the Maintenance of the Ministry and other necessary Charges. [Passed December 26.]

## CHAPTER 157.

ORDER DIRECTING THE PAYMENT TO ROBERT BENHAM OF THE WAGES  
DUE TO HIS SON.

*Ordered* that the Treasurer be directed to pay to Robert Benham, or Order the, Wages due to his Son upon Muster Roll the said Benham to be accountable to any Administ<sup>r</sup> that is, or may be appointed on said Estate.<sup>1</sup> [Passed December 27.]

## CHAPTER 158.

## ORDER ESTABLISHING RATES FOR BILLETTING SOLDIERS.

A MEMORIAL of John Wheelwright Esq<sup>r</sup> Commissary General, shewing the Difficulty he is under in respect to the Billeting of the Soldiers, for want of a stated Allowance for the same; And therefore Praying that this Court would establish the Allowance for Billeting in the several Places where the Soldiers are posted, on the Western Frontiers;

Read and

*Ordered* that the Rates of Billeting at the several places hereafter mentioned be in the following Manner Viz At Fort Massachusetts Sixteen Shillings and three pence per Week

Fort Pelham and Shirley, thirteen Shill<sup>gs</sup> and Nine pence per Week

At Colerain Green River Fall Town Road Town New Salem New-hampton and Blanford Eight Shillings and Nine pence per Week.

Also

*Voted* that an Addition of one Shilling & Nine pence per Week be made to the seven Shillings p<sup>w</sup> Week already allow'd for Billeting to the Inhabitants of Northfield in April last. [Passed December 27.]

<sup>1</sup> Not found in the House Journal.

## CHAPTER 159.

## ORDER GRANTING TO ABRA. SHERMAN LICENCE TO KEEP A TAVERN.

Legislative  
Records of the  
Council, xix.,  
94. Mass.  
Archives, exi.,  
181.

Mass.  
Archives, exi.,  
180.

A PETITION of Abraham Sherman of Dartmouth in the County of Bristol, shewing that he has obtained the Approbation of the Select men of the said Town to keep a Tavern there, but was prevented of getting a Licence from the Justices of the said County, by the sudden & unexpected Adjournm<sup>t</sup> of the Court of Sessions; And therefore Praying that they may be impowered to grant him a Licence at their next Term.

Read and

*Ordered* that the Justices of the Gen<sup>t</sup>l Sessions of the Peace for the County of Bristol be allowed and impowered to grant the Pet<sup>r</sup> a Licence to keep a House of publick Entertainment (if they see cause) at their next Session upon the Pet<sup>r</sup>s Obtaining the approbation of the Select Men of Dartmouth for that purpose, the time for granting Licences being elapsed notwithstanding.<sup>1</sup> [Passed December 27.]

## CHAPTER 160.

## VOTE DESIRING THE LIEUT. GOVERNOR TO ISSUE A PROCLAMATION OFFERING A REWARD FOR THE APPREHENSION OF ESCAPED PRISONERS.

Legislative  
Records of the  
Council, xix.,  
95. Mass.  
Archives,  
xxxi., 674.

Legislative  
Records of the  
Council, xix.,  
88, 92. House  
Journal,  
pp. 140, 141.  
Commissions  
and Proclama-  
tions, 1734—1757,  
p. 116.  
*Ante*, p. 317,  
chap. 142.

*Voted* That his hon<sup>r</sup> the Lt<sup>t</sup> Governoeur with the Advice of his Majestys Council be desired forthwith to Issue a Proclamation Promising a Reward of fifty Pounds bills of y<sup>e</sup> last Emission as a Reward to any Person or Persons that Shall apprehend and deliver to Justice Either of the Suppos'd Murderers of the Indians at Wiscasset, who have Escap'd out of the hands of the Officers. And also promising a reward of Twenty five pounds bills of the last Emission as a reward to Such Person or Persons as Shall apprehend and take up either of those Persons that did Rescuse the afores<sup>d</sup> Prisoners or were aiding and assisting therein, provided they Shall be upon Tryall Convicted of the fact last mentioned. [Passed December 28.]

## CHAPTER 161.

## ORDER DIRECTING THE PURCHASE OF A NEW PINNACE FOR CASTLE WILLIAM.

Legislative  
Records of the  
Council, xix.,  
95. Mass.  
Archives,  
lxiv., 253.

Mass.  
Archives,  
lxiv., 352.  
House Jour-  
nal, pp. 137, 139.

A MEMORIAL of Lient. John Larrabee of his Majestys Castle William, shewing that the Pinnace belonging to the said Castle has been carefully surveyed, & is found so out of Repair, that all other Cost upon it will be fruitless, And therefore Moving that a new Boat may be built.

Read and

*Ordered* that the Memorialist be directed to procure a New Pin-

<sup>1</sup> Not found in the House Journal.

nace at the publick Charge for the Service of the Castle And that He Sell the old one within mentioned for the most it will fetch. He to be Accountable. [Passed December 28.]

## CHAPTER 162.

### ORDER SUBJECTING ALL REAL ESTATE IN THE HARWICH SOUTH PRECINCT TO TAXATION.

A PETITION of a Committee for the South Precinct in Harwich, setting forth their Difficulties in the Support of the Ministry; & Praying that this Court would abate the said Precincts Province Tax, & that all the Estates & Families within the Bounds of the said Precinct may be subjected to pay Precinct Taxes there

Legislative Records of the Council, xix., 96. Mass. Archives, cxv., 564.

Read and

Mass. Archives, cxv., 563. House Journal, pp. 93, 140. Province Laws, xiii., 673, chap. 232.

*Ordered* that all the Farms and Tenements in said Precinct under actual Improvement, the Owners thereof living out of said Precinct shall be Subjected to Pay Taxes for the Support of the Ministry and other Precinct Charges. And also that all those Inhabitants with their Estates who live in said Precinct that did not Sign the Pet<sup>n</sup> to be made a Precinct, shall for the future be Subjected to Pay Taxes to the Ministry and other Precinct Charges. [Passed December 28.]

## CHAPTER 163.

### ORDER IMPOWERING SYBIL WOOLSON, ADMINISTRATRIX, TO SELL AN ESTATE.

A PETITION of Sybil Woolson Administ<sup>x</sup> of the Estate of Isaac Woolson late of Weston in the County of Middlesex Dec<sup>d</sup> shewing that the Debts on the said Estate exceeding the personal Estate more than £900 Old Tenor, she obtained Liberty to sell so much of the Real Estate as would be sufficient to pay the said Debts; but upon further Consideration of the Matter It was found that the selling a Part of the said Estate would much prejudice the Whole; And therefore Praying that she may be allowed to sell the whole Real Estate, Being accountable for the Surplusage:

Legislative Records of the Council, xix., 96. Mass. Archives, xviii., 550.

Mass. Archives, xviii., 549. Legislative Records of the Council, xix., 96. House Journal, pp. 129, 142, 143. Province Laws, ii., 151, chap. 10.

Read together with the Answer of Joseph Woolson, the Father of the Intestate, & John Jackson Guardian of his Children, & the Matter being fully Considered,

*Ordered* that the Prayer of the Petition be granted, & the Pet<sup>r</sup> in her Capacity of Administ<sup>x</sup> is hereby allowed & impowered to make Sale of the whole of the deceased's real Estate, & to execute in due form of Law, a Deed or Deeds for the Conveyance thereof, to such Person or Persons as shall give most for the same, & that the Pet<sup>r</sup> (after all Charges allow'd by the Judge of Probate for the County of Middlesex are deducted) have the Improvement of one third part of the Produce of the Premisses, during Life, & the Residue or two thirds to be improved by the said Guardian, so as may be most for the Children's Advantage; And both Principal & Interest remaining to be paid to them, at the time of their Marriage, or Arrival at Age, which shall first happen. Provided the Pet<sup>r</sup> observe

the Direction of the Province Law relating to Executors or Admir<sup>r</sup>s Sale of Real Estates, pass'd in the sixth Year of his late Majesty King George the first, & give sufficient Security to the s<sup>d</sup> Judge that the Principal Sum allowed her as aforesaid, shall revert to the Right Heirs of the said Deceased; As also that the afores<sup>d</sup> Guardian, give Security to the s<sup>d</sup> Judge for the faithful Discharge of his Trust, & to accompt for such Sum, as he shall receive, pursuant to Law. [Passed December 29.]

## CHAPTER 164.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE IN REGARD TO THE AFFAIRS OF THE INDIANS OF STOCKBRIDGE.

Legislative Records of the Council, xix., Ms. Mass. Archives, xxxi., 650, 678.  
Mass. Archives, xxxi., 651, 653, 655. House Journal, pp. 28, 29, 31, 135.  
Province Laws, ii., 1006, chap. 3. *Ante*, p. 272, chap. 24, p. 320, chap. 149.

PURSUANT TO THE ORDER of the Great & General Court of the 17<sup>th</sup> of June last, appointing a Committee to repair to the Town of Stockbridge, to inquire into the several Articles in the Petition of the Inhabitants of said Town, so far as they relate to their Lands; The said Committee on the 4<sup>th</sup> day of Novem<sup>r</sup> Currant (having travel'd to said Town,) notified the English & Indian Inhabitants to meet with them; & when they were come together, first proposed to the Indians, to lay before the Committee any Grievances or Difficulties they had relating to their Lands; Which they proceeded to do; To which the English were allowed to reply; The said Objections & Answers are as follows;

Objection the first, Some of the Indians informed us, that a Number of their Tribe about nine years past had sold to M<sup>r</sup> Woodbridge the Schoolmaster, One Mile square of Land; which others of them never consented to: Answer, M<sup>r</sup> Woodbridg in Answer thereto says, that some of the Indians importuned him from time to time, to buy a Mile square of their Land that they might be enabled to build English Houses: He refused to comply with their Motion unless they would add One hundred & fifty Acres in the South Part; for that the other was such swampy broken Land, it would not do for a Settlement.

The Indians that sold this Land also say, they had Right to sell it, because nine of them purchased & paid for the Land, of the Indians that owned it, who did not live at Stockbridge, which they were obliged to before they had a Title, the General Courts Grant notwithstanding.

Object. 2<sup>d</sup> Altho the Indians allow that the Line of the above Tract of Land sh<sup>d</sup> be brought South, where the said M<sup>r</sup> Woodbridge proposed, yet they say they never understood that there was sold in that Place more than One mile square & fifty Acres whereas in the Deed it is One mile square, & one hundred & fifty Acres: Answ<sup>r</sup> To which M<sup>r</sup> Woodbridge answers, He frequently told the Indians before he bought it, he would not be concerned with it, unless he had the Hundred & fifty Acres added; & he divers times plan'd it upon the Floor before them, & they must needs understand it, & that he had never heard any Objection from them till very lately, thô Part of the Hundred & fifty Acres had been improved divers years past; And he declares he paid them the full Value of the Whole of the Land, & that some of the Indians helpt to lay it out. The Committee report upon the two Articles above men-

tioned, That notwithstanding the Sale of the Indian Lands without Liberty of the General Court, is not legal, & it is uncertain, whether the Indians understood the Deed to include the whole Hundred & fifty Acres, thô the Committee are satisfied Mr Woodbridge did think they understood it; yet inasmuch as the Land was sold to enable the Indians to build English Houses in the Infant State of the Town; & It appearing to us, the said Mr Woodbridge spent the Prime of his Life, & most of his Estate in the Service of the said Indians; We are of the Opinion that the whole of the said Land, together with the fifty Acres more, contained in said Deed, which Fifty Acres he bought of Cpt. Kuncapot (about which there is no Dispute) be confirmed to the said Mr Woodbridge, his Heirs & Assigns.

3. The Indians complain, That, at Mr Sergeants Direction, they spent many days towards clearing a Piece of Land & getting Stuff to fence it; & Coll. Ephraim Williams objected to their Proceeding; & Mr Sergeant told them, they must not go on; Upon which the Indians say, they were much discouraged, & thought they must clear Land no where. Answ<sup>r</sup> To which Coll. Williams answered, That he objected, because the Indians had told him before, that the English should have that Land, & that it was but a small Piece, lying between other Lots of Land belonging to the English, & very inconvenient that the Indians should have it: Upon viewing the Land, the Committee are of Opinion That the English be allowed to take up said Land, as part of their Right; & that those of the English who take it up pay to the Indians who did the Labour Ten Pounds Old Ten<sup>r</sup>.

4<sup>thly</sup> The Indians informed us that Mr Samuel Brown had set up his House on their Land: In Answer, Mr Brown allowed it to be true; & said that the Reason of it was, a Mistake in Measure: he began to measure at the Line of mark'd Trees, which he supposed was right, but afterwards appeared to be wrong; Upon which he agreed with the Indians for nineteen Acres of Land, & paid them Twenty eight Pounds ten shillings Old Tenor for it; To which the Indians also agreed: The Committee are of Opinion that the said Nineteen Acres be confirmed to the said Samuel Brown his Heirs & Assigns.

5<sup>th</sup> The Indians informed us, that Coll. Williams had eight Acres of Interval Land, which he promised after three Years Improvem<sup>t</sup> to exchange for Upland, but kept it still: Answ<sup>r</sup> To which Coll. Williams answered, He never promised it absolutely; but only in case he could spare it, when he came to improve his Lands on the Hill; & further, that that Land was Part of a Right bought of a Dutchman, allowed by the Governm<sup>t</sup> to settle in the Town; but said, he now stood ready to exchange it for some of the wild Land in the Town, he might pitch upon, & was willing indifferent Men sh<sup>d</sup> determine the Quantity; To which the Indians would not agree: Both Parties agreed to let the Matter rest until Coll. Williams had some Out Lands laid out to him, & then an Equivalent should be added thereto for the Interval.

6<sup>thly</sup> The Indians complain that the English layout Lands they know not how much, nor when they will have done, & that no Indian was with them; And that they did not lay out Swamps & Ponds: Answ<sup>r</sup> Upon which the English produced the Plan of the Lands they had laid out; And it appeared that the several Tracts were laid out joining upon one an other (except two,) they

also shewed the Number of Acres they had laid out to each Man, & the Remainder that was yet to be laid out to the English was Four hundred & eighty five Acres, two Qu. & 38 Rods: The English said, the Reason why they did not notify the Indians, was That, before they laid out any Lands, they with the Indians, agreed upon a Line, running Northerly & Southerly in the wast or Out Lands of the Town; on the East side whereof, the English were to lay out where they pleased, & on the West side, the Indians where they pleased: To which Line, the Indians also agreed; but further say the Plan may contain too much Land: To which they replied, They were willing to have the Land surveyed a new by a Surveyour appointed by the General Court.

7<sup>th</sup> Cpt. Knnecapot complains that Mr Joseph Woodbridge has fenced ten Acres of his Land into said Woodbridges Lot: Answ<sup>r</sup> Mr Woodbridge answered he was not present when his Land was laid out, but fenced where he was directed; Both Parties agreed to have the Matter settled by a Survey which the General Court should appoint.

8<sup>th</sup> The Indians informed us That they were told at first That but few Families, besides the Minister & School master sh<sup>d</sup> settle with them; But now there are many Families settled in the Place: Upon which the Committee told them, that it must be allowed that it was reasonable that as the English increased, they should settle their Children on their Lands; The Indians allowed it was reasonable but said they were not told so at first.

9<sup>th</sup> One of the Indians complained that he cleared a Bog Meadow to cut Hay, & that Mr Jones cut it: Answ<sup>r</sup> Mr Jones replied that he knew of no other Clearing but burning the Meadow in the Spring, That it was in the common Land; Notwithstanding, he was willing, & did agree to pay the Indian for the Grass; Both the English & Indians informed us, that the Indians had agreed that Two hundred Acres of their Land should be laid out for the Use of Boarding School for the Indian Children, Agreeable to Mr Sergeant's printed Proposals; & that the Place they had agreed upon was in the Bow of the River, Westerly of the Meetinghouse, to be bounded North on Hamannedanocks Land, & to begin at his South east Corner, at the River, from thence to run Westerly, agreeable to the Lines of the Indians Land, already laid out, thrō the River on the Westerly side, & to extend down by the River, on the Westerly side, & up the River on the Easterly side, so far as to make Two hundred Acres, yet so that it may not interfere with any Land heretofore laid out to any of the Indians. The Committee are of Opinion that a Plan be made of the said Land by a Surveyor, to be appointed by the Court, & returned for Confirmation to the Use and Purpose above mentioned. They would further humbly report that upon a Motion made by some of the Indians to have some Land laid out to them, the Committee took Occasion to inquire of the Indians, What Method they proposed in the Laying out their Lands; & It appeared they had no Rule among them to govern themselves by respecting their Lands: We then proposed to them, that they should form them selves into a Proprietary, make a Book, enter their Proprietors Names, & the Quantity & Bounds of their Lands already laid out, & such as hereafter may be laid out to them: Which they all seemed to be pleased with; said it was good. We proposed they should deliver us a List of their Proprietors Names, which they promised; but upon the next Meeting with them, they told us they

had fifty six Indian Proprietors, but would give no List in writing: It appeared plainly to us they had a Jealousy that thereby they should be brought to submit to the Laws of the Governm<sup>t</sup> Upon which we endeavoured to shew them what Benefits they would receive by conforming to the Law: Many of them appeared willing to be governed as English men; but their chief Leader, Umpechena was very averse to be governed by the Laws; thô, at the same time, he allowed they were good, so far as he knew them; But as to their being formed into a Proprietary, they told us they were willing to submit to what the Court should Order in that Affair. The Committee are of Opinion that an Order pass the Court, erecting the Indian Inhabitants of said Town into a Proprietary, & that they be enjoined to keep a Proprietors Book, to enter their Lands that have been or may be laid out; Also in said Order signify to them that they conform themselves to the Laws, not only as they respect their Proprietary, but in all other Cases; which we apprehend will tend much to the Peace & good Agreement of the People in that Town. The Committee further report that the English Inhabitants desired a Survey<sup>r</sup> might be sent by the Court, early the next Spring, to lay out the Remainder of their Land; the Charge to be born as the Court shall direct: Which, the Committee are of Opinion, will tend to the future Peace, both of English & Indians, if laid out on the East Side of the Dividing Line, mentioned in the Answer to the sixth Article; And further that a new Survey be also made by said Surveyor of the second Division of Lots, laid out by the English, or at least so many of them, as shall satisfy the Indians that the former Measure is true; And also that he now run the Line between Cpt. Kuncapot & Joseph Woodbridge, as mentioned in the seventh Article of the Report; And that the Surveyor be directed to lay out Lands, on the West side of said Divisional Line, to such Indians as desire it, not exceeding One hundred Acres to one Man: And finally that the Mill stream on which the Mills now stand, be confirmed to the present respective Owners, so long as they keep up Mills thereon; And that a Lot of Thirty Aeres laid out by Coll. Williams, called the Mill Lot, be confirmed to him as part of his Right; & that Liberty for carrying & laying Logs & Lumber at the Saw Mill be granted to the Owners of said Mill: All which is submitted, In the Name & by Order of the Committee

Stockbridge, Novem<sup>r</sup> 10. 1749.

OLIVER PARTRIDGE

In the House of Rep<sup>ues</sup> Read and

*Ordered* that this Report be accepted with this Addition Viz<sup>t</sup> That Mess<sup>rs</sup> Ephraim Williams Jun<sup>r</sup> and Joseph Woodbridge be allowed to take up their Lands (which they have Yet to lay out on<sup>1</sup> said Town) on the South side of Sheffield Old line (so called) in good form. Provided the Indian Inhabitants will Consent to it. to be layd out by such Surveyor as shall be appointed by this Court.

In Council

Read & Coneurr'd, and it is hereby

*Resolv'd* & Declared that the Indians of the Houssatonuck Tribe who are & have been setlers or Proprietors of Lands within the Town of Stockbridge & their Heirs or Descendents are & shall be a distinct propriety and that Timothy Dwight Esq<sup>r</sup> be & hereby is directed & impowered to Repair to the said Town of Stockbridge as soon as may be & call a meeting of the proprietors aforesaid by posting a notification in writing on the foreside of the meeting house in said Town

<sup>1</sup> Legislative Records of the Council, xix., 101, reads, "in."

fourteen days before the time appointed for holding said Meeting, setting forth the time, place, Ends & purposes of said meeting, at which meeting the said Proprietors are hereby impowered by a major Vote to ascertain the Number of the proprietors & what each proprietors proportion shall be & to choose a Clerk who shall be under Oath to Record all Legal Votes Grants & Orders of said Proprietors in a Book for that purpose & also of all the Lands heretofore laid out by order of the Committee formerly appointed by the General Court for that purpose, and the said Proprietors are hereby impowered to call meetings hereafter at any time that Ten of said Proprietors shall Judge necessary they applying to the Clerk by writing under their hands for the same setting forth the Ends & purposes of said Meeting & the Clerk posting the same on the foreside of the meeting house fourteen days before said meeting be held at which meetings respectively the major part of said Proprietors are hereby Impowered to Choose a Moderator and all such Officers as Proprietors of General Fields by ye Laws of this province may do & for the better Regulating & ordering the affairs of said Proprietary & to divide & Dispose of their undivided Lands to & amongst the said Proprietors or any of them as they shall Judge necessary for their Settlement & Improvement and also may admit Indians of other Tribes to live among them & may make Grants of Lands to such Indians in order to their improving the same such Grants to be made with this Proviso or Condition that in case the Grantee or his Descendants shall leave the Settlement & Remove from said Town of Stockbridge they shall not have Power of Alienating or any ways Disposing of said Granted Lands but the same shall Revert to the proprietors.

And it is further Declared that the Indian Inhabitants of the Town of Stockbridge are & shall be Subjected to & recieve the Benefit of the Laws of this Government, to all Intents & purposes in like manner as other his Majestys Subjects of this province are Subjected [to]<sup>1</sup> or do recieve PROVIDED always that nothing in this order shall be understood to Enable any of his Majestys English Subjects to become purchasers of any part of the Indian Lands contrary to the provision made by Law for preventing the same.

In the House of Rep<sup>ves</sup>  
Read & Concord. [Passed December 30.

## CHAPTER 165.

### VOTE FOR APPREHENDING BENJ<sup>A</sup> & RICH. HOLBROOK.

Legislative  
Records of the  
Council, xix.,  
102. Mass.  
Archives,  
xxxii., 676.

Mass.  
Archives,  
xxxi., 675.  
House Jour-  
nal, pp. 141, 142,  
143, 144. *Ante-*  
p. 324, chap.  
160.

WHEREAS Information has been given to this Board that Benjamin Holbrook & Richard Holbrook two persons who were taken up on Suspicion of being concerned in the Murder of the Indians at or near Wiscasset, are under Bonds for their Appearance as Witnesses at the Trial of the Murderers, & there being great Danger that the said Bonds may be insufficient to hold the said Witnesses to their Appearance the penalty of each Bond being Fifty pounds only & the said Holbrooks being related to Obadiah Albee one of the supposed murderers; they being also suspected of being present at the committing said Murder; & two of the supposed Murderers having been already rescued from the Officer in the County of York,

<sup>1</sup> Inserted from Legislative Records of the Council, xix., 102.

Therefore

*Voted* that Samuel Dauforth Esq<sup>r</sup> one of his Majesty's Justices of the Peace for the Province, be authorized & directed to issue a Warrant for apprehending said Benjamin And Richard Holbrook, & causing them to be brought by Land or Water as shall be judged most convenient, before the Lieutenant Governour & Council, as soon as may be, there to be examined touching the Murder aforesaid; And that his Honour the Lieut<sup>t</sup> Governour be desired to give Orders to the Chief Military Officer in the Town of Falmouth, to send a Detachment of the Militia to Assist the Officer in the Execution of said Warrant. [Passed December 30.

## CHAPTER 166.

### ORDER ALLOWING £651. 9. 5½ TO M<sup>R</sup> AGENT BOLLAN.

AN ACCOMPT presented by William Bollan Esq<sup>r</sup> late Agent for this Province in Great Britain, of Disbursements for the Province, of Charges for his Support in the Agency, Expences in his Going to & Coming from Great Britain &c, Amounting to £3,116. 2. 8 Sterl. Credit allowed to the Province £2,464. 13. 2½ Ballance remaining due being £651. 9. 5½.

Read &

*Ordered* that the within Accompt be allowed, & that the Accomptant be allowed the Ballance thereof; Being Six hundred & fifty one Pounds nine shillings & five pence half penny out of the publick Treasury accordingly. [Passed January 1.

Legislative Records of the Council, xix., 103.

House Journal, pp. 123, 135.

## CHAPTER 167.

### ORDER IMPOWERING GRACE PARKER TO RETURN TO THE PROVINCE TREASURY IN INSTALLMENTS THE LOAN MADE TO ISAAC PARKER.

A PETITION of Grace Parker Widow of Isaac Parker of Charlestown, Potter Dec<sup>d</sup> shewing that he met with great Disappointments in carrying on the said Trade, as she hath done since his Decease, And therefore praying that she may be allowed to pay in the Money lent him out of the publick Treasury in the present Bills of Credit, by five several annual Payments.

The foregoing Petition being read, it was thereupon

*Ordered* that the same be Revived; and that the Petitioner be allow'd to pay into the Publick Treasury the beforementioned one hundred & twenty five Pounds,<sup>1</sup> in time & manner as set forth in the abovewritten Vote of both Houses, She giving Security as therein directed. [Passed January 1.

Legislative Records of the Council, xviii., 319. Mass. Archives, lix., 349.

Mass. Archives, xviii., 214; lix., 547. Legislative Records of the Council, xix., 103. House Journal, pp. 246, 247 (March, 1747); p. 146. Province Laws, iii., 69, note; xiii., 165, chap. 90; 325, chap. 226.

<sup>1</sup> The request of the petitioner was that she might be permitted to repay the original loan of £125, new emission, in five annual payments of £100, old tenor. An unsigned order dated March 10, 1747, extended time for payment to the last of December, 1751, but specified three annual payments. This order is the one referred to as the "abovewritten Vote." — Mass. Archives, lix., 347-349.

## CHAPTER 168.

ORDER DIRECTING THE PAYMENT OF WAGES DUE TO SAM<sup>EL</sup> GOODMAN.

Legislative  
Records of the  
Council, xix.,  
104. Mass.  
Archives,  
lxxiii., 614.

House Jour-  
nal, p. 148.

*Ordered* that the Treasurer be directed to pay the Wages due upon Muster roll to Samuel Goodman Dec'd. Who was in the Service of the Province at Fort Massachusetts (when taken by the Enemy) to M<sup>r</sup> Nath<sup>l</sup> Kellog Rep<sup>ve</sup> of Hadley to be by him delivered to Thomas Goodman Eldest Brother to the said Samuel: The said Thomas to be accountable to any Administrator who may be appointed on the Estate of the said Dec'd. [Passed January 2.]

## CHAPTER 169.

## ORDER ALLOWING £32. 5. 7. 3 TO JOHN MORSE.

Legislative  
Records of the  
Council, xix.,  
104. Mass.  
Archives,  
lxxiii., 567.

Mass.  
Archives,  
lxxiii., 567.  
House Jour-  
nal, pp. 119, 146.

A PETITION of John Morse Under keeper of his Majestys Goal in Cambridge, setting forth the Insufficiency of the Allowance made on his Accompt of subsisting French Prisoners, Praying this Court to allow him the sum which was deducted from the said Accompt.

Read and

*Ordered* that the Pet<sup>r</sup> be allowed the Sum of thirty two pounds five Shillings and Seven pence three farthings out of the publick Treasury in full discharge of the Account within mentioned. [Passed January 2.]

## CHAPTER 170.

ORDER ALLOWING £10 AND A GUN TO HEN. STEVENS, JUN<sup>R</sup>.

Legislative  
Records of the  
Council, xix.,  
105. Mass.  
Archives,  
lxxiii., 565.

Mass.  
Archives,  
lxxiii., 565.  
House Jour-  
nal, pp. 125, 131.  
*Ante*, p. 260.

A PETITION of Henry Stevens Jun<sup>r</sup> of Chelmsford, Praying for some Allowance from this Court in Consideration of his Losses & Sufferings, occasioned by his being taken Prisoner by the Enemy, while in the Province Service

*Ordered* that the Treasurer be directed to Pay to Capt Chamberlayne Rep<sup>ve</sup> of Chelmsford for the Use of the Pet<sup>r</sup> the Sum of ten pounds in consideration of his Loss of time, Sufferings &c

*Ordered* also that the Commissary Gen<sup>l</sup> be directed to deliver said Chamberlayne for the Use aforesaid a Gun out of the Province Store. [Passed January 3.]

## CHAPTER 171.

ORDER IMPOWERING ELIS<sup>A</sup> WADE, GUARDIAN, TO SELL PART OF AN ESTATE.

Legislative  
Records of the  
Council, xix.,  
105. Mass.  
Archives,  
xviii., 538.

Mass.  
Archives,

A PETITION of Elisabeth Wade Guardian of her Daughter Elisabeth Blogget, shewing that her said Daughter is entitled to a forty fifth Part of the real Estate of Nathan Blogget Dec<sup>d</sup> And forasmuch as the Remainder of the said Estate is purchased by Benjamin Johnson, Praying that she may be allowed to sell her Daughters Part.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and that the Pet<sup>r</sup> Elizabeth Guardian to her Daughter within named be and she hereby is Allowed & Impowered in her said Capacity to make sale of the said Minor's part and interest in the Estate within mentioned for the most it will sell for, and Execute a good and sufficient Deed therefor. Notice of the time and place of such Sale being posted up in some publick places pursuant to the Law in such Case made and provided. The said Guardian also first giving Caution to the Judge of Probate for the County of Middlesex, that the produce of said Sale shall be Secured to the said Minor according to Law. [Passed January 3.]

xviii., 537.  
House Jour-  
nal, pp. 146, 149.  
Province  
Laws, ii., 151,  
chap. 10.

## CHAPTER 172.

ORDER ALLOWING £2. 15 TO JOHN DAY, £1 TO DANIEL DAVIS AND £5. 5 TO THE NEGRO MENTIONED IN THE PETITION.

A PETITION of John Day of Bradford, shewing that on the 16<sup>th</sup> day of April last, his Dwelling House was burnt down, wherein was consumed a Number of Bills of Credit on this Province, of the Old Tenor, to the Amount of Thirty six Pounds, belonging to him self in part, & the rest to a young Man & Negroe in his Family; Praying that the said sum may be allowed to them out of the publick Treasury.

Legislative  
Records of the  
Council, xix.,  
106. Mass.  
Archives,  
lxxxvii., 56.

Read and

*Ordered* that the Treasurer be directed to pay to M<sup>r</sup> William Hardy Rep<sup>v</sup>e of Bradford two pounds fifteen Shillings for the Use of the Pet<sup>r</sup> John Day. And One pound for the Use of Daniel Davis. Also Five pounds five shillgs for the Use of the Negro within mentioned in consideration of those Sums being Consumed by fire on the 16<sup>th</sup> of April last. [Passed January 3.]

Mass.  
Archives,  
lxxxvii., 55.  
House Jour-  
nal, pp. 97, 149.

## CHAPTER 173.

ORDER IMPOWERING THO: GODDARD TO APPEAL FROM A SENTENCE.

A PETITION of Thomas Goddard of Charlestown, shewing that he was Convict by the Judgment & Sentence of John Steel Esq<sup>r</sup> one of his Majestys Justices of the Peace for the County of Suffolk, of fraudelently taking away from Margeret Miles, a Three Pound Bill of the Old Tenor, of the Colony of Rhode Island; & the Petitioner was fined Three fold; that thrô his Ignorance he lost the Privilege of his Appeal to the Court of General Session of the Peace for the County of Suffolk; Praying now to be admitted to his said Appeal by the Order of this Court.

Legislative  
Records of the  
Council, xix.,  
93. Mass.  
Archives,  
xliii., 12.

Read together with the Answer of Thomas Miles & Margaret his Wife & the Matter being fully considered,

Mass.  
Archives,  
xliii., 10, 11.  
Legislative  
Records of the  
Council, xix.,  
106. House  
Journal,  
pp. 137, 138, 149,  
150.

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted, & the Pet<sup>r</sup> is hereby allowed, to Appeal from the Sentence within mentioned, unto the Court of Gen<sup>l</sup> Sessions of the Peace now holden at Boston within & for the County of Suffolk, & the within named Justice is directed to receive the same; Provided the Pet<sup>r</sup> recognize

in due form of Law, & the Justices of the s<sup>d</sup> Court are also impowered to hear & determine the Matter complained of, & proceed thereon, according to Law. The Pet<sup>r</sup> forthwith to notify the Complainant of this Order. [Passed January 3.]

## CHAPTER 174.

### ORDER REFERRING THE PETITION OF THE INHAB<sup>T</sup>S OF THE WEST WING IN RUTLAND TO BE ERECTED INTO A SEPARATE PRECINCT.

Legislative Records of the Council, xix., 18. Mass. Archives, cxv., 485.

Legislative Records of the Council, xix., 107. House Journal, pp. 27, 65, 102, 119, 151.

A PETITION of James Craige & others, Inhabitants of a Tract of Land in the Township of Rutland, called the West Wing, & the Inhabitants of an other Tract of Land joined thereto called Braintree, shewing that they are commodiously situated, being of the Contents of Five miles square, & capable of such Settlements, as are sufficient for the Support of the Ministry; & therefore Praying that they may be erected into a Township or Precinct:

Read and

*Ordered* that the Pet<sup>ns</sup> abovementioned be refer'd to the next Sitting of this Court for further Consideration. [Passed January 4.]

## CHAPTER 175.

### VOTE FOR AN ESTABLISHM<sup>T</sup> FOR AND POSTING OF THE SOLDIERS ON THE FRONTIERS.

Legislative Records of the Council, xix., 107. Mass. Archives, lxxiii., 616.

Mass. Archives, lxxiii., 615. House Journal, p. 150. Ante, p. 276; chap. 36; p. 291, chap. 75.

WHEREAS the Establishment for the Forces in the Eastern Frontiers for Seventy Men expired the 10<sup>th</sup> of October last. Yet notwithstanding that there be pay and Subsistance allowed to said Forces to the Sixteenth of this Instant. And Whereas the Establishment for the One hundred Men Posted by this Court in June last, in the Western Frontiers, expired the first of September last. Yet notwithstanding that there be pay and subsistance allowed to said men to the tenth of October last. And to five Inhabitants at Ashuelot to the first of November last. And that there be pay and subsistance allowed to Sixty men more in the Western Frontier to the Sixteenth Instant. Also

*Voted* that from and after the 17<sup>th</sup> of this Instant to the first of May next there be pay and Subsistance to Eighty Eight Men only in the Eastern and Western Frontier Including Officers.

And that His Honour the Lieutenant Goverour be desired to give Orders that the said Eighty Eight Men be Posted in the following manner (and that the rest be dismiss'd[]) <sup>1</sup> Viz<sup>t</sup>

At the Truck House on St Georges River including an Armourer . . . .	Sixteen Men
At Pemaquid Fort . . . . .	Six Men
At Richmond Fort including An Armourer . . . . .	Fourteen Men.
At Fort George . . . . .	Four Men
At Saco Block House : . . . . .	Eight Men
At Fort Massachusetts . . . . .	Fifteen Men
At Fort Dummer . . . . .	Ten Men
At Fort Number 4 . . . . .	Fifteen Men

[Passed January 4.]

<sup>1</sup> Inserted from Legislative Records of the Council, xix., 107.

## CHAPTER 176.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF  
ELIAS GERROT TO BRING FORWARD A WRIT OF REVIEW.

A PETITION of Elias Gerrot of Malden, shewing that at an Inferior Court of Common Pleas, held at Newbury in the year 1748, Jonathan Bagley recovered Judgment against the Petitioner for the sum of £225, & Costs, the Petitioner being then beyond Sea, & wholly unacquainted with the thing, till his Return, when he found an Execution out against him; And foras much as there was no Foundation for said Judgment; therefore Praying that he may be allowed to bring his Writt of Review of the said Cause, at the next Inferior Court, in the County of Essex, & that the Execution on the said Judgment may be stayed in the mean time.

Legislative Records of the Council, xix., 108. Mass. Archives, xlvi., 906.

Mass. Archives, xlvi., 904. House Journal, p. 151.

Read and

*Ordered* that the Pet<sup>r</sup> serve the adverse Partie Jon<sup>a</sup> Bagley or his Attorney with a copy of this Pet<sup>n</sup> that He shew cause if any He hath on Fryday the 12<sup>th</sup> Curr<sup>t</sup> if the Court be then Sitting if not on the first fryday of the next Sitting of this Court why the Prayer thereof should not be granted. and Execution within mentioned is Stayed in the mean time. Provided the Pet<sup>r</sup> give Security to the Sheriff of the County of Essex to pay the Sum that shall be finally Adjudged due upon this Affair. [Passed January 4.

## CHAPTER 177.

ORDER ALLOWING £12 AND TWO GUNS TO DAN<sup>L</sup> SERGEANT.

A PETITION of Daniel Sergeant of Fort Dummer, shewing that he was taken Captive by the Indian Enemy, at the same time when his Father was killed by them, Praying for some Allowance for his Losses & Sufferings, & particularly for the Loss of his Fathers & his own Gun, which was at the same time taken by the Enemy.

Legislative Records of the Council, xix., 110. Mass. Archives, lxxiii., 583.

Mass. Archives, lxxiii., 584. House Journal, pp. 112, 152.

Read and

*Ordered* that the Treasurer be directed to Pay to Col<sup>o</sup> Hinsdell for the Use of the Pet<sup>r</sup> the Sum of twelve pounds in Consideration of his Loss of time and Sufferings whilst in Captivity.

*Ordered* also that the Commissary General be directed to deliver the Said Hinsdell for the Use aforesaid the Pet<sup>r</sup> two Good Guns out of the publick Store. [Passed January 5.

## CHAPTER 178.

ORDER WITH STAY OF EXECUTION ON THE PETITION OF JOHN COLE  
FOR A NEW TRIAL.

A PETITION of John Coles of Boston, shewing, that in an Action between the Petitioner & one Philip Freeman at the last Superior Court for the County of Suffolk, Judgment was made up against the Petitioner, by means of his Witnesses being sick at the time

Legislative Records of the Council, xix., 93. Mass. Archives, xlvi., 70.

Mass. Archives, xliii., 67. Leg. islative Rec-ords of the Coucil, xix., III. House Journal, pp. 137, 155, 156.

of Trial of said Cause, at the Superior Court, Praying for a new Trial at the next Superior Court; & that Execution may be stayed in the meantime.

Read, with the Answer of Philip Freeman, &

*Ordered* that the Execution issued upon the Judgm<sup>t</sup> recovered against the Pet<sup>r</sup> on the Bond mentioned in the Petition, be & hereby is stayed untill the Petitioner shall have a Trial on his Action of Review mentioned in S<sup>d</sup> Petition at the Sup<sup>r</sup> Court of Judicature to be held in the County of Suffolk in Feby next, Provided the Pet<sup>r</sup> give Security to the Sheriff of the County of Suffolk to pay what shall be due on the afores<sup>d</sup> Execution with Interest, after what may be recovered (if any thing) on the said Action of Review, shall have been deducted. [Passed January 8.]

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## CHAPTER 179.

### ORDER ALLOWING £37. 10 TO JNO CHOAT, ESQ<sup>R</sup>.

Legislative Records of the Council, xix., III. Mass. Archives, cv., 338.

Mass. Archives, cv., 335-338. House Journal, pp. 129, 156.

A MEMORIAL of John Choat Esq<sup>r</sup> shewing that being in the Service of this Province at a Place called Hoosuck, his Horse which he hired of one M<sup>r</sup> Boardman got away, & with all the Search that could be made, he could not be found; & the Place being thirty five miles distant from any settled Town, it is not probable the Horse will ever be found, Praying that the Horse may be paid for by the Governm<sup>t</sup> The Memorialist apprehending that the Owner will be satisfied with no less than Thirty seven Pounds ten shillings New Tenor.

Read and

*Ordered* that the Treasurer be directed to pay to the Memorialist in consideration of the Loss within mentioned the Sum of thirty Seven pounds ten Shillings. The Memorialist to be accountable to the Province (if the Horse should be found) for the Value the said Horse shall then be adjudg'd to be of. [Passed January 8.]

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## CHAPTER 180.

### ORDER ALLOWING £2 TO ELISHA CHAPIN.

Legislative Records of the Council, xix., II. Mass. Archives, lxxiii., 266.

Mass. Archives, lxxiii., 265. House Journal, pp. 106, 154.

A PETITION of Elisha Chapin of Springfield, shewing that, while he was a Soldier at Fort Massachusetts, he was taken sick, & sent home to his own House, for want of some Person to nurse him; Praying that this Court would allow him the Charge, he was at for Attendance on him in his Sickness.

Read and

*Ordered* that the Treasurer be directed to pay to Josiah Dwight Esq<sup>r</sup> the Sum of two pounds for the Use of the Pet<sup>r</sup> in consideration of his Expence within mentioned. [Passed January 8.]

## CHAPTER 181.

## ORDER ALLOWING £6 TO PATRICK BURN.

A PETITION of Patrick Burn, Praying for some further Allowance from this Court, in Consideration of the Wounds he received in the Service against Cape Breton, by which he is still maimed.

Read and

*Ordered* that the Committee of War be directed to pay to the Select Men of the Town of Wenham Six pounds for the relief of the Pet<sup>r</sup>. [Passed January 8.]

Legislative Records of the Council, xix., 112. Mass. Archives, lxxiii., 585.

House Journal, pp. 132, 154. Province Laws, xiii., 465, chap. 1. *Ante*, p. 197, chap. 156.

## CHAPTER 182.

## VOTE REFERRING TO COMMISSIONERS TO TREAT WITH CONNECTICUT GOVERNMT AND CHOICE THEREOF.

*Voted* that the House are now ready to come to a Vote with the Hon<sup>ble</sup> Board by joint Ballot, for Commissioners to treat with such Gentlemen as are or may be appointed by the Governmt of Connecticut relating to the Claims of the Town[s] of Woodstock, Suffield, Enfield & Somers, to be under the Jurisdiction of said Governmt And that his Honour the Lieutent<sup>t</sup> Governor be desired to Commissionate the Gentlemen appointed by this Governmt accordingly, & that they make Report of their Doings to this Court; & that the Number of the Commissioners be Three, One of them of the Board & Two of the House: Also

Legislative Records of the Council, xix., 113.

Mass. Archives, iv., 33; vi., 67. Legislative Records of the Council, xix., 106. House Journal, pp. 158, 159. *Ante*, p. 76, chap. 187.

*Voted* that the Secretary propose to the Government of Connecticut that Springfield be the Place for the first Meeting of the Commissioners on the first Wednesday of April next, or on such farther Day as the said Governmt of Connecticut may think more convenient; Notice to be given to the Commissioners on the part of this Province.

And the two Houses proceeded to the Choice of Commissioners, to treat with Commissioners from the Government of Connecticut; And

Thomas Hutchinson, Israel Williams & Timothy Dwight Esq<sup>rs</sup> were Elected by the Major Vote of the Council & House of Represent<sup>ves</sup> To which Election, the Lieutent<sup>t</sup> Governor sign'd his Consent. [Passed January 9.]

## CHAPTER 183.

## ORDER FOR ADJOURNING BARNSTABLE COUNTY COURTS.

WHEREAS the usual time for holding the Court of General Sessions of the Peace & Inferior Court of Common Pleas for the County of Barnstable will be on the third Tuesday of January Instant; and Whereas several of the Justices of the said Courts of Sessions & Common Pleas are Members of the General Court & diverse important Affairs are now depending Therefore

Legislative Records of the Council, xix., 114. Mass. Archives, xliii., 74.

House Journal, p. 158. Province

Laws, iii., 64,  
chap. 32; 744,  
note.

*Orderd* that the said Court of General Sessions of the Peace & said Inferior Court of Common Pleas for the said County of Barnstable be & hereby are adjournd to the third Tuesday of February next & all Persons whom this Order may concern are to govern themselves accordingly. [Passed January 9.<sup>1</sup>

## CHAPTER 184.

### ORDER IMPOWERING URSLA CASWELL, ADMINISTRATRIX, TO SELL LAND.

Legislative  
Records of the  
Council, xix.,  
114. Mass.  
Archives,  
xviii., 544.

Mass.  
Archives,  
xviii., 543, 545.  
House Jour-  
nal, p. 160.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Ursula Caswell, Widow & Administ<sup>x</sup> of the Estate of Samuel Caswell late of Norton in the County of Bristol Dec<sup>d</sup> shew-  
ing that it is necessary to sell the Real Estate of the Deceased; And for as much as the Superior Court for the said County is at such a Distance, Praying that this Court would give Power for selling the same.

Read &

*Ordered* that the Prayer of the Petition be granted, & that the Petitioner be allowed & impowered to sell the Estate within ment<sup>d</sup> she observing the Directions of the Law relating to the Sale of Intestate Estates, & giving sufficient Caution to the Jndge of Probate for the County of Bristol that the Proceeds shall be disposed of for the Purposes within mentioned. [Passed January 10.]

## CHAPTER 185.

### ORDER ALLOWING £15 TO SAM<sup>L</sup> GRAVES.

Legislative  
Records of the  
Council, xix.,  
114. Mass.  
Archives,  
lxixiii., 576.

Mass.  
Archives,  
lxixiii., 575.  
House Jour-  
nal, p. 160.

A PETITION of Samuel Graves of Sunderland, Praying for some Allowance from this Court in Consideration of the Loss of his Son, who was killed in Fight by the Indians, when in the Service of the Province

Read and

*Ordered* that the Treasurer be directed to pay to M<sup>r</sup> Nathaniel Kellogg the Sum of fifteen pounds for the Use of the Petitioner, in consideration of his Sufferings herein mentioned. [Passed January 10.]

## CHAPTER 186.

### ORDER ALLOWING £3 TO ABIG. HALLIBURTON.

Legislative  
Records of the  
Council, xix.,  
114. Mass.  
Archives,  
xlix., 263.

Mass.  
Archives,  
xlix., 262.  
House Jour-  
nal, pp. 146, 159.

A PETITION of Abigail Halliburton, Praying for some Allowance from this Court for the Rent of a Room in her House taken up for the Use of his Majestys Council after the burning of the Court House, & also for the Use of Forms she got made for the Council;

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be so far granted as that the Pet<sup>n</sup> be allowed out of the publick Treasury the Sum of three pounds

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is January 10.

in full for the Use of her House which was improved in the Service of the Province when the late Court House was Consumed by fire.  
[Passed January 10.]

## CHAPTER 187.

ORDER GRANTING TO THE INDIANS OF STOCKBRIDGE A RECORD BOOK, AND DIRECTING THE LAYING OUT AND SURVEY OF LANDS THERE.

*Ordered* that Col<sup>o</sup> Dwight of Northampton have liberty to purchase a Book of Record for the Indian Proprietors of Stockbridge at the Charge of the Province.

Legislative Records of the Council, xix., 116. Mass. Archives, xxxi., 684.

*Ordered* also that the said Col<sup>o</sup> Dwight be directed and impowered to Survey and lay out the Lands in said Stockbridge, agreeable to the Vote of the Court pass'd this Session for that purpose. [Passed January 12.]

House Journal, p. 163. Ante, p. 326, chap. 164.

## CHAPTER 188.

ORDER ALLOWING TO JOS. PRIEST £4. 13. 4 AND THE WAGES DUE HIS SON.

*Ordered* that the Sum of four pounds thirteen Shillings and four pence be paid out of the publick Treasury to William Lawrence Esq<sup>r</sup> for the Use of Joseph Priest, Father of Eleazar Priest Deceas'd, taken Captive by the Indian Enemy Anno 1748.

Legislative Records of the Council, xix., 116. Mass. Archives, lxxiii., 619.

*Ordered* also that the Treasurer pay to the said Lawrence what Wages shall be found due to the Deceased upon Musterroll for the Use aforesaid. [Passed January 12.]

House Journal, p. 162. Ante, p. 293, chap. 81.

## CHAPTER 189.

ORDER ALLOWING A GUN TO EBEN<sup>R</sup> HUBBARD, ADM<sup>R</sup>.

A PETITION of Ebenezer Hubbard, Administ<sup>r</sup> of the Estate of James Billing late of Concord Dec<sup>d</sup> shewing that the said Billing was killed by the Indian Enemy while in the publick Service, & had then a Gun with him, which was his own Property, Praying for an Allowance therefor.

Legislative Records of the Council, xix., 116. Mass. Archives, lxxiii., 601.

Read and

Mass. Archives, lxxiii., 601. House Journal, p. 163.

*Ordered* that the Commissary General be directed to deliver the Pet<sup>r</sup> a Good Gun out of the Province Store in Lieu of the Loss within mentioned. [Passed January 12.]

## CHAPTER 190.

ORDER ALLOWING £5 AND A GUN TO THO. CRESSON.

A PETITION of Thomas Cresson, Praying for an Allowance from this Court in Consideration of his Sufferings in his Captivity, & the Loss of his Gun, he being taken Prisoner while in the Service of the Province.

Legislative Records of the Council, xix., 116. Mass. Archives, lxxiii., 587.

House Jour.  
nal, pp. 112, 163,  
164.

Read and

*Ordered* that the Treasurer Pay to Col<sup>o</sup> Hinsdell, the Sum of five pounds for the Use of the Pet<sup>r</sup> in consideration of his Sufferings. And that the Commissary General be directed to deliver said Hinsdell a Good Gun out of the publick Store for the Use aforesaid. [Passed January 12.]

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## CHAPTER 191.

### ORDER IMPOWERING THO. AWANSAMUG, INDIAN, TO SELL LAND.

Legislative  
Records of the  
Council, xix.,  
117. Mass.  
Archives,  
xxxii., 663.

Legislative  
Records of the  
Council, xviii.,  
43. House  
Journal, p. 197  
(January,  
1746); p. 163.

A PETITION of Thomas Awunsamug of Natick Indian, Praying for Liberty from this Court to sell twelve Acres of Land, belonging to him, in the said Place, for his present Support; The said Petition being accompanied with a Certificate from the Guardians of the Natick Indians, That they apprehend the Petitioners Request to be just & reasonable.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted; and the Pet<sup>r</sup> is allowed with the Advice, and under the direction of the Guardians of the Indians of Natick to Sell the twelve Acres of Land for the purposes within mentioned. [Passed January 12.]

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## CHAPTER 192.

### ORDER IMPOWERING THE COURT OF GENERAL SESSIONS OF PLYMOUTH COUNTY TO RECEIVE REPORT OF COMMITTEE ON THE PETITION REGARDING OBSTRUCTIONS TO FISHERY IN HANOVER.

Legislative  
Records of the  
Council, xix.,  
97. Mass.  
Archives,  
lxxxvii., 410.

Mass.  
Archives,  
lxxxvii., 406—  
414. Legisla-  
tive Records of  
the Council,  
xix., 117.  
House Jour.  
nal, pp. 142, 162.  
*Ante*, p. 308,  
chap. 118.

A PETITION of the Town of Hanover in the County of Plymouth shewing that they are greatly injured by the Mill Dams, erected upon the River called Indian Head River, whereby the Fish are stop'd in their Passage, that the Petition<sup>rs</sup> have made their Application for Redress to the Court of General Sessions of the Peace for said County, but by reason of the said Courts being Adjourned by Order of this Court; It is probable that the Season for the Coming up of the Fish will be over before they can have Relief in that Way; And therefore Praying for Relief from this Court:

Read and Inasmuch as the Pet<sup>rs</sup> may suffer wrong, by means of the Sessions for the County of Plymouth being adjourned by this Court.

*Ordered* that if the Committee that may be appointed by the next Court of General Sessions for the County of Plymouth upon the Subject matter of this Pet<sup>n</sup> shall not make report thereon till Court are ready to adjourn without Day. That in Such Case the Court be directed to adjourn to some convenient time to recieve the Report of such Comm<sup>ee</sup>. [Passed January 12.]

## CHAPTER 193.

## ORDER IMPOWERING JOS. EPHRAIM, INDIAN, TO SELL LAND.

A PETITION of Joseph Ephraim of Natick Indian, Praying that this Court would grant him Liberty to sell Twenty Acres of Land belonging to him in Natick, for the Payment of his Debts & more comfortable Support; The Guardians of the Natick Indians signifying the Reasonableness thereof.

Read and

*Ordered* that the Pet<sup>r</sup> have liberty to Sell the twenty Acres of Land within mentioned with the Advice and under the direction of the Guardians of the Natick Indians for the purposes mentioned. [Passed January 12.]

Legislative Records of the Council, xix., 117. Mass. Archives, xxxi., 618.

Mass. Archives, xxxi., 617. Legislative Records of the Council, xviii., 43. House Journal, p. 197 (January, 1746); p. 163.

## CHAPTER 194.

ORDER EXEMPTING THE PROPERTY OF THE BOSTON ARTILLERY COMP<sup>A</sup> FROM TAXATION.

A PETITION of Coll. Jacob Wendell & others, a Committee of the Artillery Company in Boston, shewing that the Assessors of the said Town have for three years past taxed the Treasurer of the said Company for the Companys Estate in his Hands, which the Petitioners apprehend to be against their Charter of Incorporation, Therefore Praying for Relief from this Court

Read &

*Ordered* that the Prayer of this Petition be granted, & that the afore mentioned Taxes imposed on the Treasurer of the Artillery Company aforesaid be remitted; And it is hereby declared that the Donations made or to be made to said Company shall be exempt from all Taxes whatsoever until this Court shall order otherwise. [Passed January 13.]<sup>1</sup>

Legislative Records of the Council, xix., 116. Mass. Archives, lxxiii., 429.

Mass. Archives, lxxiii., 428. House Jour. nal, pp. 46, 164.

## CHAPTER 195.

ORDER IMPOWERING NATH<sup>L</sup> & PATIENCE HILL, INDIANS, TO SELL LAND.

A PETITION of Nathaniel Hill & Patience his Wife of Natick Indians, Praying for Liberty from this Court to sell fifteen Acres of their Land in said Place for Payment of their Debts & building a Dwellinghouse & for the more comfortable Support of themselves: The said Petition being accompanied with a Certificate from the Guardians of Natick Indians, That they apprehend the Request to be just & reasonable.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and the Pet<sup>rs</sup> are

Legislative Records of the Council, xix., 118. Mass. Archives, xviii., 509.

Mass. Archives, xviii., 508. Legislative Records of the Council, xviii., 43. House Journal, p. 197

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council and the House Journal the date is January 12.

(January, 1746); p. 163. allowed to Sell the fifteen Acres of Land within mentioned under the direction of their Guardians as in the Pet<sup>n</sup> mentioned. [Passed January 13.]

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## CHAPTER 196.

### ORDER IMPOWERING W<sup>m</sup> THOMAS, INDIAN, TO SELL LAND.

Legislative Records of the Council, xix., 118. Mass. Archives, xxxi., 657.

Mass. Archives, xxxi., 656. Legislative Records of the Council, xviii., 43. House Journal, p. 197 (January, 1746); p. 163.

A PETITION of William Thomas of Natick Indian, Praying for Liberty from this Court to sell Twenty Acres of his Land at Natick for the Payment of his Debts, & his more comfortable Support: Which Petition was accompanied with a Certificate from the Guardians of the Natick Indians, That they apprehend the Request just & reasonable.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and the Pet<sup>r</sup> is allowed with the Advice and under the direction of the Guardians of the Natick Indians to sell the twenty Acres of Land for the purposes mention'd. [Passed January 13.]

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## CHAPTER 197.

### VOTE ALLOWING BLANKETS TO FRAMHEGAL AND LOVEL AND TRANSFERRING PROVISIONS FROM GEORGE TOWN TO RICHMOND FORT.

Legislative Records of the Council, xix., 119.

Mass. Archives, xxxi., 655. Legislative Records of the Council, xix., 79, 92. House Journal, pp. 118, 120, 153, 154.

*Voted* that two Broad Cloth Blankets be given to Framhegal & Lovel, in consideration of their Journey to Canada, at the Desire of this Govrnm<sup>t</sup> & in the Name of the Eastern Indians, to invite the St<sup>t</sup> Francois & other Indians to the Treaty at Falmouth; That the Provisions granted by this Court in December last (& now lying at George Town) for the Relief of such Indians as have suffered by the late Breach made on them by some evil minded English Persons, be removed to Richmond Fort, & committed to the Care of the Truek Master there, for that Purpose. [Passed January 15.]

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## CHAPTER 198.

### RESOLVE IN REGARD TO MATTERS PENDING BEFORE THE COURTS THAT ARE ADJOURNED.

Legislative Records of the Council, xix., 119. Mass. Archives, xiii., 76.

House Journal, p. 169. Ante, p. 274, chap. 29; p. 308, chap. 118; p. 309, chap. 121; p. 337, chap. 183.

WHEREAS the Court of General Sessions of the Peace & In<sup>t</sup>’r Court of Common Pleas in divers Counties in this Province now stand adjourned by Orders of this Court from their Terms stated by Law, to other Days in the s<sup>d</sup> respective Orders particularly mentioned; And Whereas some Advantage may be taken from the general Expressions in the s<sup>d</sup> Adjournm<sup>ts</sup>

*Resolved*, That it was the Intention of this Court, That all Processes & other Matters & things depending in the said Courts, and w<sup>ch</sup> were by Law to be heard, tried & proceeded upon at the sev<sup>l</sup> Terms by Law stated for their Sitting, should be heard, tried & proceeded upon

at the the<sup>1</sup> respective times to w<sup>ch</sup> they were adjourned; & the Justices of the said Courts and all other Persons concerned are hereby required to conform themselves accordingly. [Passed January 16.

## CHAPTER 199.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE IN REGARD TO MATTERS PENDING IN G<sup>T</sup> BRITAIN.

JACOB WENDELL Esq<sup>E</sup> from the Committee appointed to consider the Affairs of this Province depending in Great Britain, made Report thereon:

Which Report was Accepted by both Housnes with Amendm<sup>ts</sup> & Consented by the Lieuten<sup>t</sup> Governor; And as Amended is as follows; viz

The Committee appointed to consider & report what Affairs, relating to this Province, in Great Britain, it is necessary for the Court immediately to act upon, & in what manner, It will be most proper to proceed; Having attended this Service, are humbly of Opinion, That the Province have great Reason to hope & depend on the Reimbrnsem<sup>t</sup> of the Charges of the late intended Canada Expedition, & the Cost of Cloathing, which was made Use of by Admiral Knowles, for his Majestys Forces at Louisbourg; & that it is necessary that a more particular Accompt of those Charges be forthwith prepared: That the Accomp<sup>t</sup> of the Charge of supporting Fort Dummer, & defending the Frontiers of New Hampshire is still depending, & waiting his Majestys gracious Determination: That there is reason to expect a Parliamentary Inquiry into the the<sup>1</sup> State of the Bills of Credit of the several Governm<sup>ts</sup> in New England & that it is of great Importance to this Province, that the other Governm<sup>ts</sup> should be obliged to a speedy & eqnitble Redemption of their respective Bills: That it appears by good Information that the Boundary between his Majestys Frontiers, & those of the French King on this Continent, is left undetermined, & will soon come under the Consideration of Commissioners, & that the Interest of this Province, & other his Majestys Subjects greatly depends on a just Determination thereof; And that it is very necessary that a Representation be made setting forth the Encroachm<sup>ts</sup> the French have already made; & to prevent any further Encroachm<sup>ts</sup> by reason of their present Claims to a further Extent of their Lines; which Claim appears by the Governor of Canada's Letters, to be carried into the Heart of this Province, & as far as the River Kennebeck: That the Affair of the Line between this Province & the Colony of Connecticut, as formerly settled by Commissioners of each of said Governm<sup>ts</sup> be inquired into, that said Settlement may be confirmed, if not already done: That Application be made, that, in case of a fnture War, each of His Majestys Governments on this Continent may be obliged to bear their respective proportions, both as to Men & Money: That Application be also made to exempt the Seamen & others in this Governm<sup>t</sup> from Impresses on board any of his Majestys Ships that may for the future come into this Province.

The Committee are further of Opinion that it is necessary that

Legislative Records of the Council, xix., 120.

Mass. Archives, xx., 590. Legislative Records of the Council, xix., 115. House Journal, pp. 161, 165, 166.

<sup>1</sup> *Sic.*

some Gentleman of Capacity & Knowledge in the several Matters above reported be employed as soon as may be to appear for & in behalf of this Province, & solicit the same in Great Britain. [*Passed January 16.*]

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## CHAPTER 200.

### RESOLVE DEFERRING THE ISSUANCE OF THE EXECUTIONS OF THE PROVINCE TREASURER AGAINST CONSTABLES AND COLLECTORS.

*Legislative Records of the Council, xix., 121. Mass. Archives, cii., 453.*

*House Jour. nal, pp. 168, 169.*

IN AS MUCH as the Bills of Credit of this Province are laid up by particular Persons probably for the sake of Exchanging them for Silver, whereby it is rendered very difficult, if not Impracticable at this Day, for the several Collectors and Constables in this Province, to Collect and Pay in to the Province Treasurer the several Sums to them severally Committed to Collect and Pay off the Province Tax for this present Year.

*Resolved* that the Province Treasurer be directed and he hereby is directed not to Issue Execution against any Collector or Constable (Who may not pay to him the Sum and Sums of such Tax to them Committed) till after the thirty first day of May next. And all Such Constables and Collectors are hereby Directed not to distrein for Such Rates and Taxes as are yet unpaid till the thirtieth day of April next. [*Passed January 17.*]

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## CHAPTER 201.

### ORDER IMPOWERING JN<sup>O</sup> HAWES, ADMINISTRATOR, TO SELL LAND.

*Legislative Records of the Council, xix., 121. Mass. Archives, xviii., 505.*

*House Jour. nal, p. 170. Province Laws, ii., 151, chap. 10.*

A PETITION of John Hawes Administ<sup>r</sup>t of the Estate of Isaae Hawes late of Chatham Dec<sup>d</sup> shewing the Necessity of selling the remaining Part of his Real Estate for the Payment of his Debts; And forasmuch as the Superior Court for said County is at a considerable distancee, as to the time of their Sitting, Therefore Praying for Leave from this Court for selling the said Lands.

Read &

*Ordered* that the Prayer of this Petition be granted & the Pet<sup>r</sup> is hereby authorized & impowered to make Sale of the Land within mentioned for the most it will fetch, he observing the Law relating to admin<sup>rs</sup> & Exec<sup>rs</sup> Sale of real Estates, & giving sufficient Caution to the Judge of Probate for the County of Barnstable, to account with him for the overplus if any there be. [*Passed January 17.*]

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## CHAPTER 202.

### ORDER ALLOWING 25/ TO W<sup>M</sup> BOLTON.

*Legislative Records of the Council, xix., 122. Mass. Archives, lxxiii., 612.*

A PETITION of Jeremiah Powell Esq<sup>r</sup> in behalf of one William Bolton, lately come out of Captivity, Praying for some Allowance from this Court to the said Bolton, in Consideration of his Sufferings.

Read and

*Ordered* that the Treasurer be directed to pay to Jeremiah Powell Esq<sup>r</sup> the Sum of twenty five Shillings for the Use of W<sup>m</sup> Bolton. [Passed January 17.]

Mass.  
Archives,  
lxixii., 612.  
House Jour.  
nal, pp. 137, 171.

## CHAPTER 203.

### ORDER ALLOWING £2. 3 TO JOS<sup>A</sup> HOLBROOK.

A PETITION of Josiah Holbrook, shewing that he served as a Soldier in the Western Frontiers under Cpt. Stevens for six weeks, that by Accident his Name was left out of the Muster Roll, Praying that the Wages due to him for that Service may be now allowed him.

Read and

*Ordered* that the Treasurer be directed to pay to M<sup>r</sup> Nath<sup>l</sup> Nelson the Sum of two pounds three shillings for the Use of the Pet<sup>r</sup> in full for his Service above mentioned. [Passed January 17.]

Legislative  
Records of the  
Council, xix.,  
122. Mass.  
Archives,  
lxixii., 621.

House Jour.  
nal, pp. 150, 151,  
171.

## CHAPTER 204.

### ORDER ALLOWING £12. 10 TO NATH<sup>L</sup> WALKER.

A PETITION of Nathaniel Walker, shewing that while he was a Soldier under Cpt. Hobbs, he was wounded in the Arm by the Indian Enemy, w<sup>ch</sup> still disables him from Labour, Praying for Relief from this Court.

Read and

*Ordered* that the Treasurer be directed to pay to M<sup>r</sup> Witt for the Pet<sup>r</sup> the sum of Twelve pounds ten Shillings in full for his Sufferings and other Expences above mentioned. [Passed January 17.]

Legislative  
Records of the  
Council, xix.,  
122. Mass.  
Archives,  
lxixii., 620.

House Jour.  
nal, pp. 170, 171.

## CHAPTER 205.

### ORDER ALLOWING £10 TO EDWD MANCHESTER.

A PETITION of Edward Manchester, a Soldier in the late Expedition ag<sup>st</sup> Cape Breton, Praying for some Allowance from this Court in consideration of his Sufferings in that Service:

Read and

*Ordered* that the Treasurer be directed to pay to Cap<sup>t</sup> Nathaniel Sole for the Use of the Pet<sup>r</sup> the Sum of ten pounds in full for his support to this time. [Passed January 17.]

Legislative  
Records of the  
Council, xix.,  
122. Mass.  
Archives,  
lxixii., 264.

Mass.  
Archives,  
lxixii., 264.  
House Jour.  
nal, pp. 164, 171.

## CHAPTER 206.

ORDER REFERRING THE PETITION OF ELIAS GERROT TO BRING FORWARD A WRIT OF REVIEW.

Mass.  
Archives,  
xiii., 907.

House Jour-  
nal, p. 176.  
*Ante*, p. 335,  
chap. 176.

[ON THE PETITION of Elias Gerrot, [*ante*, p. 335, chap. 176]

*Ordered* that the Consideration of this Petition be further refer'd to the first Thursday of the next Sitting of this Court. [Passed January 18.]

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## CHAPTER 207.

ORDER ALLOWING A GUN TO JOEL JOHNSON.

Legislative  
Records of the  
Council, xix.,  
123. Mass.  
Archives,  
lxixii., 269.

House Jour-  
nal, pp. 112, 173.

A PETITION of Joel Johnson, shewing that he lost a Gunn, which was his own Property, when he was taken Captive by the Indian Enemy; Praying that this Court would make him an Allowance for the same.

Read and

*Ordered* that the Pet<sup>r</sup> have liberty to receive a good Gunn out of the publick Store, in consideration of the Loss sustain'd as above mentioned. [Passed January 18.]

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## CHAPTER 208.

ORDER CONFIRMING A PLAT OF 100 ACRES OF LAND TO OLIVER HAYWARD, ESQ<sup>E</sup>.

Legislative  
Records of the  
Council, xix.,  
124. Mass.  
Archives,  
lxixii., 627.

House Jour-  
nal, p. 176.  
Province  
Laws, xiii., 149,  
chap. 50.

A PLAT of One hundred Acres of Land, laid out to Oliver Hayward Esq<sup>r</sup> to fulfill a Grant, made to him, by the General Court in 1742, Lying on Cold Brook, being a Strip of Land, between Charlemon & the Province Line; Surveyed by Timothy Child Jun<sup>r</sup> & two Chain Men upon Oath.

Read and [report] Accepted and

*Ordered* that the Land herein delineated and described be and it hereby is Confirmed to Oliver Hayward Esq<sup>r</sup> His Heirs and Assigns for ever. Provided the land herein Described Exceeds not the quantity of the Grant and does not Interfere with any former Grant. [Passed January 19.]

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## CHAPTER 209.

ORDER ALLOWING £17. 17. 8 TO CPT. JN<sup>O</sup> HURSTON.

Legislative  
Records of the  
Council, xix.,  
124. Mass.  
Archives,  
lxixii., 603.

Mass.  
Archives,

A PETITION of Cpt. John Hurston, Praying that he may be allowed by this Court, the Ballance of his Aecompt of billeting his Company, raised for the Expedition against Cape Breton; Viz, the sum of £17. 17. 8.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted, and that the Ixxiii., 603.  
 Comm<sup>ee</sup> of War pay to the Petitioner the Sum of Seventeen pounds House Jour-  
 Seventeen Shillings and Eight pence the Ball<sup>a</sup> of the within Account nal, pp. 105, 175.  
 accordingly. [Passed January 19. Province  
 Laws, xiii., 465,  
 chap. 1.]

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## CHAPTER 210.

VOTE APPOINTING WM BOLLAN, ESQ<sup>R</sup>, AGENT FOR THE PROVINCE IN GREAT BRITAIN.

In the House of Rep<sup>ves</sup> Whereas This Court have Judged it necessary that some suitable person be appointed Agent for this Province in Great Britain for the following purposes Viz<sup>t</sup> To Sollicit the Payment of the charge of the intended Expedition against Canada; and of the Cost of the Cloathing made use of by Admiral Knowles for His Majestys forces at Louisbourg and also of the charge of supporting Fort Dummer and defending the Frontiers at New Hampshire, To make application that the Government of Connecticut New Hampshire and Rhode Island be oblig'd to a speedy and Equitable Redemption of their Bills of Publick Credit.

To Represent the Encroachments made & making by the French on his Majestys Territories on this Continent

To Inquire into the state of the Line between this Province and Colony of Connecticut as formerly settled in order to have it Confirmed if not already done.

To make Application, That the several Governments on this Continent be obliged to bear a just proportion of men & money in case of another War. As also to Sollicit the Exemption of Seamen and others in this Government from Impresses on board any of His Majestys Ships that may come into this Province.

*Voted* That a Message be sent to the Hon<sup>ble</sup> Board desiring them by Ballot to Joyn with the house in the choice of a suitable person for the purposes aforesaid at Five o'Clock this afternoon.

In Council

Agreeable to the Message from the House of Rep<sup>ves</sup> before written the Board Joynd with the House in the Election of an Agent;

And William Bollan Esq<sup>r</sup> was duly chosen to that Trust by the Major Vote of Council and House of Rep<sup>ves</sup>. [Passed January 19.]

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## CHAPTER 211.

ORDER ALLOWING TO JOS. GOLDHWAITE THE WAGES DUE TO LIEUT. BAZIL DIXWELL.

A PETITION of Cpt. Joseph Goldthwait, shewing that his Lieutenant, Basil Dixwell was taken sick, & died in the Service against Cape Breton, that the Petitioner paid the Charges of his Sickness & Funeral; & therefore Praying that the Committee of War may be directed to pay the Petitioner, out of the said Dixwells Wages, so much as shall appear due to him.

Read and

Legislative Records of the Council, xix., 125. Mass. Archives, Ixxiii., 626.

Mass. Archives, Ixxiii., 625. House Jour-

Legislative Records of the Council, xix., 135. Mass. Archives, xviii., 557, 558, 559. House Journal, pp. 167, 174, 175. Province Laws, ii., 151, chap. 10. *Ordered* that the Committee of War be directed to pay the Petitioner what Wages are due to Lieutenant Bazil Dixell within named Deceased. [Passed January 19.<sup>1</sup>

## CHAPTER 212.

### ORDER IMPOWERING ELKANAH LEONARD, JUN<sup>R</sup>, & ELISABETH LEONARD, GUARDIANS, TO SELL REAL ESTATE.

Legislative Records of the Council, xix., 135. Mass. Archives, xviii., 557, 558, 559. House Journal, pp. 167, 174, 175. Province Laws, ii., 151, chap. 10. A PETITION of Elkanah Leonard Jun<sup>r</sup> & Elisabeth Leonard, Guardians of Elkanah Leonard of Middleborō in the County of Plymouth Esq<sup>r</sup> a Person Non Compos, shewing that he is much in Debt to the Persons particularly mentioned, who are very pressing for Payment; And forasmuch as the Superior Court for that County is at a great distance; therefore Praying that this Court would impower them to sell so much of the said Leonards Real Estate as will discharge the Debts before mentioned:

Read &

*Ordered* that the Petition<sup>rs</sup> in their Capacity, as Guardians, be & they hereby are authorized & impowered to make Sale of the said Elkanahs Real Estate, to the Amount of Six thousand Pounds, Old Tenor; to be applied towards the equitable Payment of the Debts of the said Elkanahs, The Petition<sup>rs</sup> to attend the Rules prescribed in the Law relating to the Sale of Land for the Payment of of<sup>2</sup> Debts of Deceased & Non Compos Persons; & to Account with the Judge of Probate for the County of Plymouth for their Doings hereon; & the Petitioners are hereby impowered to pass & execute a good & sufficient Deed or Deeds for the same. [Passed January 19.<sup>3</sup>

## CHAPTER 213.

### VOTE IN REGARD TO THE CUSTODY OF THE PLYMOUTH COLONY PATENT.

Legislative Records of the Council, xix., 125. Mass. Archives, vi., 69. House Journal, p. 177. Province Laws, xii., 608, chap. 95. IN COUNCIL; It being represented to this Board, that the Patent of the Colony of New Plymouth is in the hands of Samuel Welles Esq<sup>r</sup> being delivered to him, divers years since, for the Service of this Governm<sup>t</sup>.

*Voted* that the said M<sup>r</sup> Welles be & hereby is directed to deliver, to the Secretary, the said Patent; (Who after he has recorded the same, is hereby directed to transmit the said Patent to Josiah Cotton Esq<sup>r</sup> Register of the County of Plymouth) & other publick Papers which he may have in his Hands

[In the House of Rep<sup>ues</sup> Read & Concurred].<sup>4</sup> [Passed January 20.

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is January 20.

<sup>2</sup> Sic.

<sup>3</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is January 27.

<sup>4</sup> Inserted from Mass. Archives, vi., 69.

## CHAPTER 214.

## ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON TETTICUT AFFAIRS.

THE COMMITTEE, to whom was refer'd the Petition of Benjamin Washburn & others, a Committee of Tetticut Precinct, consisting partly of Bridgwater, & partly of Middleborō, also the Petition<sup>1</sup> of Stephen David & Job Ahanton of said Tetient, Indians, having considered the same, report that the Prayer of the said Benjamin Washburns Petition be so far granted as that the Fifteen Acres of Land given by the said Job Ahanton to the said Precinct for the Use of the Ministry there, & the five Acres given by James Thomas to the said Precinct, to erect their Meetinghouse on &c, be confirmed to the said Precinct to ly for the Uses afore said for ever; & that the said James Thomas have Liberty to sell to the said Precinct, the Land described in the said Petition, containing about forty eight Aeres for the Settlem<sup>t</sup> of a Minister; That the said Stephen David have Liberty to make Sale of the Land mentioned in his Petition, containing about eighty Acres, except fifteen Acres thereof lying on the Road leading from the House of Benjamin White Esq<sup>r</sup> to Simcon Leonards, which the said Stephen before a Committee of the General Court, formerly declared he would give to the Precinct for the Use of the Ministry, & was ordered by them where to be laid out, but seems unwilling to confirm; Which, if the said Stephen should finally refuse to do, the Committee are of Opinion, that the said fifteen Aeres should be sold to the Preeinet, if they desire to purchase the same, for the Use aforesaid; & that the said Stephen have Liberty to sell the Remainder, with a certain Tract of Land, under Lease, for eleven years, to the highest Bidder; And that the said Job Ahanton have Liberty to sell the Thirty Acres of Land mentioned in his Petition, to the highest Bidder; The Produce thereof to be applied to the Uses mentioned in the Petitions of the said Stephen & Job, The Surplusage, if any, to be applied by their Guardians for their Comfort & Relief; And that the Guardians of those Indians assist them, & take Care that Justice be done in the Sale of the Lands aforesaid: All which is humbly submitted

By Order of the Comm<sup>tee</sup> J QUINCY

Read &

*Ordered* that this Report be & hereby is Accepted. [Passed January 20.<sup>2</sup>

Legislative  
Records of the  
Council, xix.,  
108. Mass.  
Archives,  
xiii., 53.

Mass.  
Archives,  
xiii., 50, 53;  
xxxi., 660.  
House Jour-  
nal, pp. 149, 177.

## CHAPTER 215.

ORDER ALLOWING TO COLL. JOS<sup>A</sup> WILLARD A COMMISSION ON HIS ACCOUNTS.

A MEMORIAL of Coll. Josiah Willard setting forth his great Trouble & Expence in providing for the Forces on the Western Frontiers for divers years past, as Sub Commissary; for which he had no Allowance equal to his Care & Expenee, & no Allowance

Legislative  
Records of the  
Council, xlx.,  
126. Mass.  
Archives,  
lxxiii., 602.

<sup>1</sup> To sell land. See Mass. Archives citations.

<sup>2</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is January 4.

Mass.  
Archives,  
lxxiii., 602.  
House Jour-  
nal, pp. 103, 174.  
*Ante*, p. 86,  
chap. 211.

at all for the last two years; And therefore Praying that this Court would grant him a reasonable Satisfaction

Read and

*Ordered* that the Memorialist be allowed out of the publick Treasury One and half per Cent on his Accounts relating to the affair within mentioned. [Passed January 20.]

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## CHAPTER 216.

### ORDER IN REGARD TO THE TAXES OF PERSONS LEAVING THE PROVINCE.

Legislative  
Records of the  
Council, xix.,  
127. Mass.  
Archives, cii.,  
454.

House Jour-  
nal, p. 179.  
*Ante*, p. 344,  
chap. 200.

WHEREAS by the Vote of this Court of the 15<sup>th</sup> of January Instant, the several Constables and Collectors through the Province are restrained until after the 30<sup>th</sup> day of April next from making distress on any of the Inhabitants for the Tax of the Year 1749; And whereas divers Persons may be gone out of the Province before the said 30<sup>th</sup> day of April, It is therefore

*Ordered* that where any Person or Persons shall intend to leave the Province before said 30<sup>th</sup> day of April, or shall be supposed to have such Intention, and the Select Men or Assessors of the Town of which such Person or Persons are or shall be Inhabitants or Residents shall require any Constable or Collector, to whom such Person or Persons Tax is or may be committed to collect, to demand Security for the Payment of the Sum that may be respectively due, and if such Person or Persons shall refuse or neglect to give such Security, the Collector shall be at Liberty to make distress, & every Collector shall stand chargeable w<sup>th</sup> such Person or Person's Tax, of whom he is requir'd to demand Security as afores<sup>d</sup> Any thing in the Vote of the 15<sup>th</sup> Inst<sup>t</sup> to the contrary notwithstanding. [Passed January 22.]<sup>1</sup>

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## CHAPTER 217.

### ORDER APPOINTING A COMMITTEE TO TAKE ACCOUNT OF THE TORN AND DEFACED BILLS OF CREDIT IN THE TREASURY.

Legislative  
Records of the  
Council, xix.,  
127. Mass.  
Archives, cii.,  
458.

House Jour-  
nal, p. 180.

In the House of Repres

*Ordered* that M<sup>r</sup> Speaker Col<sup>o</sup> Heath M<sup>r</sup> Allen M<sup>r</sup> White and M<sup>r</sup> Tyng with such as the Hon<sup>ble</sup> Board shall Joyn be a Comm<sup>ee</sup> in the recess of the Court to take an Account of the Torn and Defac'd Bills in the Treasury. Burn them to Ashes and Report thereon

In Council Read & Coneur'd & John Osborne Jacob Wendell, Ezekiel Lewis, Andrew Oliver & Thomas Hutchinson Esqr<sup>s</sup> are joined in the Affair. [Passed January 23.]

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is January 23.

## CHAPTER 218.

ORDER ALLOWING TO COLL WILLIAM WILLIAMS A COMMISSION ON HIS ACCOUNT.

A MEMORIAL of William Williams Esq<sup>r</sup> shewing that he has been Sub Commissary of the Forces in the County of Hampshire, for divers years past, for which he has had no Allowance from this Court, Praying to be allowed proper Satisfaction for his Care & Trouble in the said Business:

Read and

*Ordered* that the Memorialist be allowed out of the publick Treasury for his Services abovementioned, two and an half per Cent on the Amount of his account. [Passed January 23.]

Legislative Records of the Council, xix., 127. Mass. Archives, lxxiii., 624.

House Journal, pp. 174, 177.

## CHAPTER 219.

VOTE GRANTING TO MR AGENT BOLLAN £500.

*Voted* that the Treasurer be directed to furnish Mr Agent BOLLAN in the best manner He can, with the Sum of five hundred pounds Sterling to Enable him to transact the Affairs of His Agency at the Court of Great Britain. [Passed January 25.]

Legislative Records of the Council, xix., 129. Mass. Archives, xx., 599.

House Journal, pp. 182, 183.

## CHAPTER 220.

ORDER IMPOWERING EBEN<sup>E</sup> PIERPOINT AND EBENEZER PIERPOINT, JUN<sup>R</sup>, TO SELL LANDS AND EXECUTE DEEDS THEREFOR.

A MEMORIAL of Ebenezer Pierpoint, & Ebenezer Peirpoint Jun<sup>r</sup> his Son both of Roxbury, shewing that the late Governor Dudley, by his last Will and Testament, gave unto Ann Hilton (now deceased) Mother to the Pet<sup>r</sup>n Ebenezer Pierpoint Jun<sup>r</sup> 200<sup>1</sup> Acres of Land in the Town of Oxford; Which Land seems, by the Words of the Will, to be entailed, But forasmuch as it appears most probable, that was not the Intention of the Testator, Therefore Praying that this Court would free them from that Burthen & Incumbrance.

Read and

*Ordered* that the Prayer of the Pet<sup>r</sup>n be granted And the Pet<sup>r</sup>s are allowed and impowered to Sell the abovementioned Lands and Execute Deeds thereof accordingly. [Passed January 25.]

Legislative Records of the Council, xix., 129. Mass. Archives, xviii., 504.

Mass. Archives, xviii., 503. House Journal, pp. 119, 179.

## CHAPTER 221.

ORDER OF NOTICE WITH STAY OF PROCEEDINGS ON THE PETITION OF THE EASTERLY PART OF LEICESTER IN REGARD TO HIGHWAYS.

A PETITION of Daniel Denny & others, a Committee of the Town of Leicester, setting forth the great Difficulties the said Town is under, more especially in respect to their laying out & repairing

Legislative Records of the Council, xix., 130. Mass.

<sup>1</sup> “250,” in State Library copy, Legislative Records of the Council, xix., 136.

Archives, cxv., High ways, by reason of the Westerly Part being set off as a Precinct only, Praying that it may be set off as a Town, or some other Mass. Mass. Archives, cxv., Remedy applied for accommodating the Differences arisen between 546. House Journal, p. 181. the two Precincts

Read and

*Ordered* that the Pet<sup>rs</sup> serve the Westerly Precinct in Leicester with a copy of this Pet<sup>n</sup> that they shew cause if any they have on the Second fryday of the next Sitting of this Court why the Prayer thereof should not be granted And all Processes are Staid in the mean time. [Passed January 25.]

## CHAPTER 222.

### ORDER ALLOWING CERTAIN SUMS AND GUNS TO MEMBERS OF THE LATE GARRISON AT FORT MASSACH<sup>TS</sup>.

Legislative Records of the Council, xix., 129. Mass. Archives, xcii., 32.

House Journal, p. 188.

A PETITION of John Hawk in behalf of the Officers & Soldiers that were taken at Fort Massachusets, setting forth their good Behaviour in the Defence thereof, & the Necessity they were under of surrendring; shewing also their Sufferings in their Captivity; & Praying for the compassionate Consideration of this Court for their Relief; A Muster Roll of the Wages of said Garrison being presented therewith.

Read and

*Ordered* that the following allowance be made the several Persons herein mentioned Viz<sup>t</sup> to Each Man or their Rep<sup>ves</sup> the Sum annexed to his Name

£128. 13. 1 <sup>d</sup>	To John Hawks : . . . . .	£21. 15. 1
	Stephen Scott : . . . . .	16. 12. 2
	John Smead : . . . . .	16. 16. 7
	John Smead Jun <sup>r</sup> : . . . . .	10. 6. 3
	Daniel Smead : . . . . .	11. 18. 5
	John Perry : . . . . .	16. 12. 2
	Moses Scott : . . . . .	16. 12. 2
	Joseph Scott : . . . . .	18. 0. 3

And that the Commissary Gen<sup>l</sup> be directed to deliver to each of the abovenamed Men a Gun out of the Province Store except John Hawks Who has already rec'd one.

The above Sums and Guns to be d<sup>d</sup> to Timothy Dwight Esq<sup>r</sup> for the Use of the abovenamed Persons.

*Ordered* also that there be paid to M<sup>r</sup> Samuel Witt for the Use of the afternamed Persons or their Rep<sup>ves</sup> the following Sums Viz.

£32. 19. 10	To Nathaniel Ames : . . . . .	£4. 0. 4
	To David Warren : . . . . .	16. 5. 11
	To Jacob Shephard : . . . . .	12. 13. 7

And that the abovenamed Nath<sup>l</sup> Ames and Jacob Shephard be allowed each a Gun out of the Province Store.

It is also further

*Ordered* that the following Sums be paid to Cap Sam<sup>l</sup> Chamberlayne for the Use of the persons hereafternamed Viz.

To Ebenezer Gould : . . . . .	£0. 10. 0
Benj <sup>a</sup> Fassett : . . . . .	0. 15. 0
Nath <sup>l</sup> Hunt : . . . . .	0. 12. 6

in full for horse hire when they were carried from Fort Massaehu-  
sets Sick.<sup>1</sup> [Passed January 25.<sup>2</sup>

<sup>1</sup> The final action on this petition not found in the House Journal.

<sup>2</sup> The Mass. Archives does not give the record of the final action in the Council.

## CHAPTER 223.

VOTE FOR FOUR TOWNSHIPS FOR SETTLING FOREIGN PROTESTANTS.

*Voted* that there be four Townships allowed, for foreign Protestants to settle in; viz, Two in the Western, & two in the Eastern Parts of this Province; that each Township shall be settled with One hundred & twenty Settlers, such Settlers to be so many distinct Families; single Men of the Age of twenty one years, who shall actually settle, to be accounted as Part of the Number; The two Western Townships to be the Eastermost Township lately laid out at or near Fort Massachusets, & the other to ly East thereof, & to contain the Quantity of seven miles square; This Township to extend East & West from Charlemont to the Township afore said, & North & South, to make up the Quantity of seven miles square, as afore said. The Eastern Townships to contain six miles square each, & that in order to their being laid out, a Survey be made from Sebago Pond to the Head of Berwick: That these two Townships be laid out contiguous to some Township already laid out there; And that there be a Reserve of Two hundred Acres in each of said four Townships; Which is hereby granted to Mr Joseph Crellius, on Condition that he import or cause to be imported & settled, in each of said Townships, in three years from this time, One hundred & twenty Protestant Settlers, as aforesaid; Also that there be reserved Two hundred Acres, for the Use of the Government, where Fort Massachusetts stands: And that all the Remainder of said four Townships be granted to One hundred & twenty Settlers in a Township; Provided that they make One hundred & twenty three Shares in a Township; viz: One for the first settled Minister, one for the Ministry, & one for a School; Provided also that they settle in each Town a learned Protestant Minister in five years from this time; Always provided that the said four Townships be severally settled with One hundred & twenty such Settlers in three years from such time; Provided further, that each Settler, by himself, or some other Family, shall remain on his Settlement for the space of seven years; or his Share shall revert to the Province, & may by the Governm<sup>t</sup> be disposed of to some other Person. [Passed January 25.<sup>1</sup>

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Legislative Records of the Council, xix., 130.

Mass. Archives, xv<sup>a</sup>, 48. Legislative Records of the Council, xix., 115. House Journal, p. 183. Province Laws, iii., 558, note.

## CHAPTER 224.

ORDER ALLOWING £1,000 FOR THE REPAIRS OF THE COURT HOUSE.

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Legislative Records of the Council, xix., 131. Mass. Archives, xl<sup>b</sup>, 264.

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House Journal, p. 182<sup>a</sup>; Ante, p. 110, chap. 276.

*Ordered* that the Treasurer be directed to deliver the Committee appointed to take care of the repairs [of]<sup>2</sup> the Town house &c the Sum of One thousand pounds Lawful Money to be by them paid to the Workmen &c Who have performd that Service. The said Comm<sup>e</sup> to be accountable for their doings to this Court. [Passed January 26.

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is January 26.

<sup>2</sup> Inserted from Legislative Records of the Council, xix., 131.

## CHAPTER 225.

Legislative  
Records of the  
Council, xix.,  
131. Mass.  
Archives, xx.,  
602.

House Jour-  
nal, p. 186.  
*Ante*, p. 347,  
chap. 210.

VOTE DIRECTING THE COMMISSARY GENERAL TO PROVIDE FOR THE VOYAGE OF M<sup>r</sup> AGENT BOLLAN.

*Voted* that the Commissary General be directed to procure a Passage and Make suitable Provision for M<sup>r</sup> Agent Bollan for his intended Voyage to Great Britain. [*Passed January 26.*

## CHAPTER 226.

## ORDER ALLOWING 2/6 PER DIEM TO THE CLERK OF THE HOUSE.

Legislative  
Records of the  
Council, xix.,  
131.

House Jour-  
nal, p. 186.  
*Ante*, p. 175,  
chap. 91.

*Ordered* that the Clerk of the House be allowed out of the publick Treasury, Two shillings & six pence per Diem from the Opening of the Session on the thirty first day of May last, to the End of the present Year, during the Sessions of the Court, over & above, his usual Grant. [*Passed January 26.*

## CHAPTER 227.

## ORDER ALLOWING £15 TO JOSEPH BANE.

Legislative  
Records of the  
Council, xix.,  
131. Mass.  
Archives, cv.,  
340.

Mass.  
Archives, cv.,  
339. House  
Journal,  
pp. 137, 183a.

A MEMORIAL of Joseph Bane setting forth his long & faithful Services as Interpreter of the Indian Language, & that his Allowance is not sufficient for his support in his advanced Age, And therefore Praying that this Court would make some Addition to his Wages.

Read and

*Ordered* that the Treasurer be directed to pay to Cap<sup>t</sup> Thomas Saunders, for the Use of the Memorialist the Sum of fifteen pounds Bills of the last Emission in consideration of his Services within mentioned. [*Passed January 26.*

## CHAPTER 228.

VOTE GRANTING THE USE OF THE MASSACHUSETTS FRIGATE TO JOSH. WINSLOW, ESQ<sup>r</sup>, & OTHERS.

Legislative  
Records of the  
Council, xix.,  
132.

Mass.  
Archives,  
lxiv., 350, 356.  
House Jour-  
nal, pp. 154, 157,  
167. Province  
Laws, iii., 557,  
note.

A PETITION of Joshua Winslow Esq<sup>r</sup> & others, Merchants in Boston, Proposing to this Court, In case they may have the Use of the Ship Massachusetts Frigate, upon Terms particularly mentioned in their Petition, to employ her in a Voyage to Ireland, for transporting Protestants of that Country into this Province; & Praying that they may be allowed the use of the s<sup>d</sup> Ship for that purpose accordingly.

Read &

*Voted* that the Ship Massachusetts Frigate, with the Tackling & Furniture, as they ly (Warlike Stores & Artillery, with such other Stores as the Committee of this Court shall judge unnecessary, for

the Voyage, excepted) shall be apprized by three judicious Men upon Oath; For which apprized Value, the Petition<sup>r</sup>s shall give Security to the Province Treasurer, to pay in case of Loss, & for the Performance of the several Articles in this Vote; After which they shall at their own Cost & Expence fit the said Ship for the Sea, & order some skilful Person (giving the Preference to Cpt. Moses Bennet, provided they can agree with him on like Terms as with an other<sup>r</sup>)<sup>1</sup> to proceed with her to the North Part of Ireland; From whence they shall cause to be brought in said Ship, not less than Three hundred, nor more than Five hundred & fifty forein Protestants (of which Number there shall be at least thirty Families) & shall land the same in some part of this Province (the Danger of the Seas & Mortality excepted) & shall within thirty days after her Arrival at Boston, deliver up the said Ship to the Treasurer, or any Committee that shall be appointed by this Court to receive her, together with all her Taekle, Stores & Appurtenances, Agreeable to an Inventory which shall be taken by the Master of said Ship after she is fitted, & before she sails from Boston, & shall be lodged with the Treasurer (Ordinary Wear & Tear excepted;) Provided nevertheless that in case the Ship should during the Voyage, (which shall be limited to twelve months from this time) meet with any Loss or extraordinary Damage the said Petition<sup>r</sup>s shall make good the same to the Province, & shall give Security to the Treasurer accordingly. [Passed January 26.]

## CHAPTER 229.

### ORDER ALLOWING £93. 18. 2 TO DR WM RAND.

A PETITION of Dr William Rand, shewing that about the time of the Expedition against Cape Breton, the Sheriff of the County of Suffolk put under his Care, a sick French Prisoner, named Andrew Dumary, that he remained sick near a Year at the Petition<sup>r</sup>s House, & under his Care; And forasmuch as he has not yet received any Consideration for his Trouble & Expence, Praying that his Account may be allow'd.

Legislative Records of the Council, xix., 133. Mass. Archives, cv., 348.

Mass. Archives, cv., 347. House Journal, pp. 80, 183a.

Read and

Ordered that the Prayer of the Pet<sup>n</sup> be granted. And that the Treasurer be directed to pay the Petitioner the Sum of Ninety three pounds, Eighteen shillings and two pence in Bills of the last Emission in full for his Account in attending Andrew Dumereys a French Prisoner from June 2. 1746 to April 29<sup>th</sup> 1747. [Passed January 26.]

## CHAPTER 230.

### ORDER ALLOWING £120. 12. 9 TO THE COMMITTEE ON VALUATION.

SEVERAL ACCOMPTS of Clerks employed by a Committee of the House of Represent<sup>ves</sup> for preparing a Valuation of the Estates of the several Towns in the Province, Amounting in the Whole to the Sum of £120. 12. 9.

Legislative Records of the Council, xix., 133.

House Journal, p. 183a.

<sup>1</sup> Inserted from the State Library copy, Legislative Records of the Council, xix., 140.

Read &

*Ordered* that the Treasurer be directed to deliver to the Chairman of the Committee of Valuation, the sum of One hundred & twenty Pounds twelve shillings & nine pence Bills of the last Emission, by him to be paid to the Persons, to whom it is due, for casting up & footing the Valuation of the several Towns in the Province. [Passed January 26.]

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## CHAPTER 231.

### VOTE APPOINTING GUARDIANS TO THE INDIAN PROPRIET<sup>RS</sup> OF LANDS AT FREETOWN.

Legislative  
Records of the  
Council, xix.,  
133.

House Jour-  
nal, p. 182.  
Province  
Laws, iii., 341,  
note.

. Voted that Mr John Winslow, Samuel White Esq<sup>r</sup> & Stephen Chase be the Guardians over the Indians that are Proprietors of Lands within the Town of Freetown; & that the said Guardians be fully impowered to take Care of said Lands, & suffer no Person to cut off any Timber on said Lands, unless it be by their Consent & Allowance; & that the Produce of their Lands, or what their Timber may sell for be improved for the Support of the said Indians, as they may stand in need thereof; The said Guardians to render an Account of their Proceedings to this Court once in two Years during their Continuance in said Trust. [Passed January 26.]

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## CHAPTER 232.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE PETITION OF DIVERS INHAB<sup>TS</sup> OF LYN & CHELSEA TO BE ERECTED INTO A SEPARATE PRECINCT.

Legislative  
Records of the  
Council, xix.,  
74, 136. Mass.  
Archives, xiii.,  
55.

Legislative  
Records of the  
Council, xix.,  
95. House  
Journal,  
pp. 107, 140, 186.

A PETITION of Thomas Chever, Thomas Baker & others, Inhabitants of the Towns of Lyn & Chelsea, setting forth their Disadvantages for attending the publick Worship in their respective Towns; which has obliged them to support the Ministry among them selves, for sometime past; And therefore Praying that a Committee of this Court may be appointed to consider & report their Circumstances.

The Committee, to whom was refer'd the Petition of Thomas Chever and sundry others, Inhabitants & Proprietors of the Townships of Lyn & Chelsea, Desiring to be set off & formed into a distinct Precinct or Parish, Having heard the Parties & fully considered the same, Are of Opinion that the Petition be so far granted, as that the Persons & Estates within the Boundaries in the Petition set forth, (Excepting those Persons & Estates in & by said Petition excepted, & also Excepting the Estate of Nathan<sup>1</sup> Oliver Esq<sup>r</sup> comprised within said Boundaries) be set off as a distinct Precinct or Parish, & be vested with all Precinct or Parish Priviledges accordingly: By Order of the Comm<sup>tee</sup>

SYLVANUS BOURN

Read &

*Ordered* that this Report be & hereby is Accepted. [Passed January 26.]

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is January 27.

## CHAPTER 233.

## VOTE REFERRING ALL UNFINISHED MATTERS.

*Voted* that all Matters which have Day at this Session & not finished be refer'd to the same Day in the next Sitting of this Court. [Passed January 27.<sup>1</sup>

Legislative Records of the Council, xix., 131.  
House Journal, p. 187.

## CHAPTER 234.

VOTE IMPOWERING M<sup>R</sup> AGENT BOLLAN TO RECEIVE MONEYS DUE THE PROVINCE &c.

*Voted* that the Hon<sup>ble</sup> Spencer Phips Esq<sup>r</sup> Lieut. Governor & Commander in Chief, Josiah Willard Esq<sup>r</sup> the Secretary of the Province & Thomas Hubbard Esq<sup>r</sup> Speaker pro Tempore, be impowered, in the Name & Behalf of the Province, to sign & deliver a proper Deed or Instrument, with the Seal of the Province thereto affixed, authorizing & empowering William Bollan Esq<sup>r</sup> Agent for this Province, to solicit, demand & receive, & give Discharge for any sum or sums of Money, justly due to this Province, in Great Britain, or that are or may be granted by Parliament: And the said William Bollan is hereby directed to lodge any sum or sums, so received, in the Bank of England for the further Order of the General Court of this Province according to such Instructions as he has received or shall receive from this Government. [Passed January 27.<sup>2</sup>

Legislative Records of the Council, xix., 132.  
Mass. Archives, xx., 607. House Journal, p. 187. Ante, p. 347, chap. 210.

## CHAPTER 235.

## ORDER ADJOURNING THE COURTS OF BARNSTABLE COUNTY.

WHEREAS the Court of General Sessions of the Peace & Inferior Court of Common Pleas for the County of Barnstable, appointed by Law to be held on the third Tuesday of January Instant, was by this Court adjourned to the third Tuesday of February next; which happens to be so near to the next Session of the said Courts in the said County, that it is apprehended, considerable Charge may be saved to said County if the said Court should be further adjourned to the Time of their next Sitting; Therefore

*Ordered* that the said Courts of General Sessions of the Peace & Inferior Court of Common Pleas, which were by this Court adjourned to the said third Tuesday of February next be & hereby are further adjourned to the third Tuesday of March next; & All Persons whom this Order may concern are to govern them selves accordingly. [Passed January 27.

Legislative Records of the Council, xix., 134.  
House Journal, p. 188. Province Laws, iii., 64, chap. 32; 745, note.

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is January 26.

<sup>2</sup> This date is according to Mass. Archives; according to Legislative Records of the Council and the House Journal the date is January 26.

## CHAPTER 236.

Legislative  
Records of the  
Council, xix.,  
134. Mass.  
Archives,  
Ixv., 361.

Hous'e Jour.  
nal, pp. 17, 18.  
Province  
Laws, iii., 557,  
note. *Ante*,  
p. 354, chap.  
228.

ORDER SUBSTITUTING MR TYNG FOR THOMAS FOSTER ON THE COMMITTEE FOR DISPOSING OF THE MASSACHUSETTS FRIGATE.

*Ordered* that the Comm<sup>ee</sup> heretofore app<sup>ted</sup> to dispose of the Mass<sup>a</sup> Frigate, be impowered to carry the Vote of this Court into Execution pass'd this Session respecting said Ship.

And that M<sup>r</sup> Tyng be of the Comm<sup>ee</sup> in the room of Thomas Foster Esq<sup>r</sup> who desires to be Excused from that Service. [Passed January 27.

## CHAPTER 237.

VOTE ACCEPTING THE REPORT OF THE COMMITTEE ON THE CIRCULATION OF ENGLISH HALF PENCE & FARTHINGS.

Legislative  
Records of the  
Council, xix.,  
134. Mass.  
Archives, cii.,  
457.

Mass.  
Archives, cii.,  
455. Legisla-  
tive Records of  
the Council,  
xix., iii.  
House Jour.  
nal, p. 156.

THE COMMITTEE appointed to prepare a Bill for restraining the Currency of Half pence & Farthings & coined Silver & Gold at any higher Rate, than in proportion to Mill'd Dollars at Six shillings, & to consider some Method for providing Change, having attended the Service, so far as the other Business of the Court would admit; & being apprehensive that the latter Part of their Commission is of the most immediate Necessity; With respect to that, Humbly report, That a Committee be appointed by this Court, & be impowered & directed forthwith to cause to be struck off & sign'd as soon as may be, Small Bills of the Form, & Denominations following; viz, One Quarter Dollar, Eighteen pence, Lawful Money of the Massachusetts Bay-

A. B. Committee:<sup>1</sup>

And that there be likewise the several Denominations of One Eighth of a Dollar or Nine pence, One Twelfth of a Dollar or Six pence; One Sixteenth of a Dollar or Four pence half peny, One Twenty fourth of a Dollar or Three pence One Seventy second of a Dollar or One peny: And that there be such a Proportion of each Denomination as the Committee think best; & that the whole Sum amount to, & do not exceed Three thousand Pounds Lawful Money; And that the same be delivered to the Treasurer, & that he pay the same out of the Treasury in Exchange for the Bills of Credit now outstanding, or in Discharge of any Warrants drawn on him by such Persons as are willing to receive the same at Par with lawfull Money; & that he likewise pay out the same in Exchange for Milled Dollars to such Persons as are desirous thereof. The Committee further Report That in Order effectually to establish the Value of said Bills, the Treasurer be directed to reserve in his Hands the sum of Three thousand Pounds in Milled Dollars at Six shillings per Dollar, to be & remain as a Fund & Security for the Bills aforesaid; And whensoever any Possessor of the said Bills shall bring to the Treasurer any sums that shall be equal to One, Two, or any other Number of Dollars he shall be obliged forthwith to exchange the said Bills with Dollars, according to their Denom-

<sup>1</sup> The words "One Quarter dollar . . . committee" are underlined in Legislative Records of the Council, xix., 134. For the committee, see *post*, p. 359, chap. 238. This arrangement is according to Mass. Archives, cii., 455.

ination. The Committee ask Leave to sit again & prepare a Bill agreeable to the first Part of their Commission, & report the same at the next Sitting of the Court. W<sup>th</sup> is humbly submitted.

By Order of the Committee,

SAM<sup>L</sup> DANFORTH

Read & Accepted.<sup>1</sup> [Passed January 27.]

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## CHAPTER 238.

VOTE APPOINTING A COMM<sup>TEE</sup> FOR MAKING, PRINTING, AND SIGNING SMALL BILLS OF CREDIT.

Legislative Records of the Council, xix., 135. Mass. Archives, cii., 460.

In-Coneil

House Journal, p. 190. *Supra*, chap. 237.

*Voted* that Samuel Watts, John Quincy & Thomas Hutchinson Esq<sup>rs</sup> with four other Gentlemen to be appointed by the Hon<sup>ble</sup> House of Represent<sup>ves</sup> be a Committee to take Care of the making, printing & signing the Bills of Credit this Day ordered by this Court to be issued for the Convenience of Change &c, The Eighteen Penny & nine penny Bills to be sign'd by two Hands, The Remainder to be sign'd by one Hand only

In the House of Rep<sup>ues</sup>

Read and Coneurd and Col Cotton Col Heath M<sup>r</sup> Boardman & M<sup>r</sup> Russell are Joyned in the Affair. [Passed January 27.]

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## CHAPTER 239.

ORDER ALLOWING £600 TO AYLMER GREVIL.

Legislative Records of the Council, xix., 135. Mass. Archives, lxxiii., 635.

A PETITION of Aylmer Greville, shewing that soon after the Expiration of the late War, he brought, from Louisburgh to Boston, a considerable Number of English Prisoners, belonging to this Province, sent from Canada, & victualled them on their Passage; for which he has as yet had no Satisfaction; Praying for Payment for said Service by this Court.

Mass. Archives, lxxiii., 635.

Read and

*Ordered* that the Pet<sup>r</sup> be allowed out of the publick Treasury the Sum of Six hundred pounds Old ten<sup>r</sup> in full consideration for his Services within mentioned.<sup>2</sup> [Passed January 27.]

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## CHAPTER 240.

ORDER DIRECTING THE COMMISSARY GENERAL TO FURNISH CLOTHING FOR THREE PIGWACKET INDIAN CHILDREN.

Legislative Records of the Council, xix., 136. Mass. Archives, xxxi., 687.

*Ordered* that the Commissary Gen<sup>l</sup> be directed to prepare necessary Cloathing for the three Pigwacket Children going home in Cap<sup>t</sup> Saunders. [Passed January 27.<sup>4</sup>

House Journal, p. 182.

<sup>1</sup> The final action on this chapter not found in the House Journal.

<sup>2</sup> Not found in the House Journal.

<sup>3</sup> *Sic*, in all four records.

<sup>4</sup> There seems to be some discrepancy in the records in regard to the date of this chapter; that of Legislative Records of the Council has been taken.

## CHAPTER 241.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE PETITION OF JOHN OULTON, ESQ<sup>R</sup>.

Legislative Records of the Council, xix., 91, 136.

House Journal, pp. 95, 96, 127. *Ante*, p. 293, chap. 82.

EZEKIEL LEWIS Esq<sup>R</sup> from a Committee on the Petition of John Oulton Esq<sup>r</sup> gave in the following Report: Which was Accepted by both Houses, with Amendments, & Signed by the Lieuten<sup>t</sup> Governor; And (as Amended) is as follows; viz,

The Committee, to whom was refer'd the Consideration of the Petition [*ante*, p. 293, chap. 82] of John Oulton Esq<sup>r</sup> & the Answer of William Knox, Having attended that Service, & fully heard the Parties, & maturely considered the same, are of Opinion That the Prayer thereof be granted; & said Oulton be enabled to plead to the Writ, at the next Inferior Court for the County of Suffolk; And that the Justices of the said Court be impowered & directed to hear & try the said Cause, & give Judgment thereon; & that the past Judgment & Execution thereon be superseded & made void, Provided said Oulton give Bond, with sufficient Sureties, to the Sheriff of the County of Suffolk, to pay such sums, as shall be finally recovered of him, with Interest therefor to the time when Judgment shall be made up: All which is humbly submitted.

In the Name & by Order of the Comm<sup>tee</sup> EZEK. LEWIS

*Ordered* that this Report be Accepted. [Passed January 27.]

Mass. Archives, xx., 606.

Mass. Archives, xx., 610. House Journal, p. 188. *Ante*, p. 331, chap. 166.

## CHAPTER 242.

ORDER ALLOWING £651. 9. 5½ TO WM BOLLAN AGENT.

*Ordered* that the Treasurer be directed to Pay W<sup>m</sup> Bollan Esq<sup>r</sup> the Ball<sup>a</sup> of his Acc<sup>t</sup> being £651. 9. 5½ Sterling out of the Money Rec'd for Impost & Tunnage of Shipping &c. [Passed January 27.]<sup>1</sup>

## CHAPTER 243.

ORDER ALLOWING A GUN TO JACOB WHITE.

Legislative Records of the Council, xix., 139. Mass. Archives, lxxiii., 651.

Mass. Archives, lxxiii., 651. House Journal, p. 193.

A PETITION of Jacob White of Wrentham, Praying that he may be allowed for a good Gun, belonging to him, which his Apprentice, William Bragg had with him when he was killed by the Indian Enemy.

Read and

*Ordered* that the Commissary Gen<sup>l</sup> be directed to deliver to M<sup>r</sup> Josiah White a good Gun out of the Province Store for the Service of the within named Jacob White in satisfaction of the Loss within mentioned. [Passed March 23.]

<sup>1</sup> Adjourned to March 22. See Legislative Records of the Council, xix., 137.

## CHAPTER 244.

## ORDER ALLOWING £22 TO JOS. DAVIS.

A PETITION of Joseph Davis of Marblehead, setting forth his Services in the late Expedition, & his Losses & Sufferings in a long Captivity, being taken while in the Service, Praying for an Allowance from this Court.

Legislative Records of the Council, xix., 139. Mass. Archives, lxxiii., 339.

Read and in answer to this Petition

*Ordered* that the Sum of twenty two pounds be allowed out of the publick Treasury to Mr Bayley Rep<sup>rve</sup> of Marblehead for the Use of the Pet<sup>r</sup> in consideration of his Services & Sufferings within mentioned. [Passed March 24.]

Mass. Archives, lxxiii., 337. House Journal, pp. 192, 194.

## CHAPTER 245.

ORDER IMPOWERING ELISAB<sup>TH</sup> NEWTON TO RECEIVE THE WAGES &c OF HER HUSBAND.

A PETITION of Elisabeth Newton, Widow of Joseph Newton Jun<sup>r</sup> of Marlborō, shewing that her said Husband, being in the publick Service, died Insolvent, leaving no other Estate than his wearing Apparel, Five Pounds Wages yet due, & a Bible, leaving also one Child an Infant, Praying that the Petition<sup>r</sup> & her said Child may have the Benefit of what is left without the Charge of an Administration.

Legislative Records of the Council, xix., 139. Mass. Archives, lxxiii., 648.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and the Petitioner is allowed and impowered to recieve the within written Articles accordingly. She to be accountable. [Passed March 24.]

Mass. Archives, lxxiii., 646. House Journal, p. 193.

## CHAPTER 246.

## ORDER GRANTING TO JOS. BRADDISH LICENCE TO KEEP A TAVERN.

A PETITION of Joseph<sup>1</sup> Braddish of Cambridge, shewing that he has purchased the House in said Town, where Joseph Bean now dwells, which has for many years past been used as a Tavern, which the said Bean is obliged to quit, Praying therefore that this Court would impower the Court of General Sessions of the Peace to grant him a Licence to keep a Tavern in said House.

Legislative Records of the Council, xix., 140. Mass. Archives, cxi., 195.

Read and

*Ordered* that the Justices of the Gen<sup>l</sup> Sessions of the Peace to be holden at Charlestown in the County of Middlesex on the third tuesday of April next by adjournment be impowered to grant the Pet<sup>r</sup> a Licence (if they See cause) to keep a House of publick Entertainment in said Town. the time for granting Licences being elapsed notwithstanding. [Passed March 26.]

Mass. Archives, cxii., 194, 196. House Journal, p. 191.

<sup>1</sup> "Ebenezer," in Mass. Archives, cxi., 194.

## CHAPTER 247.

ORDER GRANTING 125 ACRES OF LAND TO TIM<sup>O</sup> STERNS.

Legislative  
Records of the  
Council, xix.,  
141. Mass.  
Archives,  
xlii., 202.

Mass.  
Archives,  
xlii., 202, 203,  
204. House  
Journal, pp. 88,  
136.

A PETITION of Timothy Sterns, shewing that his Grand father was a Soldier in the Narragansett War, that his Descendants have had no Allowance with the other Descendents of the Naragansett Soldiers, that the Petitioner being a poor Man & destitute of any Land to live upon, settled him self on a Piece of Province Land, of the Contents of about One hundred & twenty five Acres; which He has got surveyed by a sworn Survey<sup>r</sup> Praying for a Confirmation thereof according to the Plat herewith returned

A Plat of One hundred & twenty five Acres of Land, surveyed by Joseph Wilder Jun<sup>r</sup> Esq<sup>r</sup> & Chain men upon Oath lying betwixt Leominster and Narragansett Number Two; Bounded as follows; viz, Beginning at a Stake & Heap of Stones, in Leominster West Line, (which is the North West Corner;) thence running North 34 Deg. East; with said Leominster Line, eighty rods to a Beach, (the North east Corner,) standing in said Line, then North 44 Deg. West, One hundred & seventy two rods to a Stake & Heap of Stones, standing in the West Line of Whites Farm, on the North Angle; thence running West 8 Deg. South (with the said Farm) seventy four rods to a white Oak (a Corner of said Farm) thence West 5 Deg. South, forty four rods to a white Pine Tree, by Province Land; from thence South 52 Deg. East, sixty two rods to a Chesnut Tree; thence East 33 Deg. South, near Leeks Farm, one hundred fifty two rods, to the Place where it began: Surveyed at the Desire of Timothy Sterns

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be so far granted as that the land described in the Plan hereto Annexed be granted to the Pet<sup>r</sup> His Heirs & Assigns forever. Provided it does not exceed the Quantity of One hundred and twenty five Acres and does not interfere with any former Grant. Provided also that a convenient Road be always reserved and kept open through the same from Leominster to Narragansett Number. 2. [Passed March 27.

Legislative  
Records of the  
Council, xix.,  
141. Mass.  
Archives,  
xviii., 602.

Mass.  
Archives,  
xviii., 600.  
House Jour-  
nal, p. 195.  
*Ante*, p. 290,  
chap. 72.

## CHAPTER 248.

ORDER REFERRING THE HEARING ON THE PETITION OF JN<sup>O</sup> AND SARAH LIDDEL.

*Ordered* that the Hearing on the Petition of John & Sarah Liddel [(] appointed to be had To Morrow) be refer'd over to the first Tuesday of the next May Session. [Passed March 27.

<sup>1</sup> Inserted from Legislative Records of the Council, xix., 141.

## CHAPTER 249.

ORDER APPOINTING A COMMITTEE TO EXAMINE ABOUT TAXES DUE IN THE COUNTY OF BRISTOL.

*Ordered* that Cap<sup>t</sup> White Cap<sup>t</sup> Tyler and M<sup>r</sup> Winslow be a Comm<sup>ee</sup> to Examine what Money the Executors of Charles Church Esq<sup>r</sup> late Sheriff of Bristol have in their hands: what Money the Constables have in their hands; And what Money is still due from the People who were Taxed by this Province.

And report to this Court thereon.

*Ordered* also that the Committee receive from James Williams Esq<sup>r</sup> the papers in his hands respecting that Affair. [Passed March 27.

Legislative Records of the Council, xix., 141. Mass. Archives, cli., 464.

House Journal, pp. 193, 194. Ante, p. 100, chap. 256.

## CHAPTER 250.

ORDER IMPOWERING SARAH SHILLABER, ADMINISTRATRIX, TO EXECUTE A DEED.

A PETITION of Sarah Shillaber of Salem, Administ<sup>x</sup> of William Shillaber Dec<sup>d</sup> shewing that the said William sold to Samuel Bell one Common Right in the Pasture called the great Pasture in said Town, & received the Consideration Money, but died before he had executed the Deed for the Land, Praying that the Petitioner may be impowered to execute the said Deed.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and that the Pet<sup>r</sup> be and she is hereby allowed and Impowered in her said Capacity to Execute a good Deed of the common Right within mentioned to the within named Samuel Bell accordingly. [Passed March 27.<sup>1</sup>

Legislative Records of the Council, xix., 147. Mass. Archives, xviii., 567.

Mass. Archives, xviii., 566. House Journal, p. 191.

## CHAPTER 251.

ORDER IMPOWERING BENJ<sup>A</sup> TRAY, INDIAN, TO SELL LAND.

A PETITION of Benjamin Tray of Natick, Praying for Liberty to sell Thirty Acres of Land, lying at a Distance from his Dwelling-house, for Payment of his Debts, Repairing his House, & Procuring sundry necessaries: Which Petition is recommended by two of the Guardians of the Natick Indians;

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be so far granted as that the Pet<sup>r</sup> be allowed and Impowered with the Advise and Assistance of the Guardians of the Indians to Sell the thirty Acres abovementioned for the most the same will fetch. The said Guardians to take effectual care that the produce of said land be duly applyed to the purposes abovementioned. [Passed March 29.

Legislative Records of the Council, xix., 144. Mass. Archives, xxxi., 662.

Legislative Records of the Council, xviii., 43. House Journal, p. 197 (January, 1746); p. 198.

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is March 31.

## CHAPTER 252.

ORDER GRANTING TO BENJ<sup>A</sup> BICKNER LICENCE TO KEEP A TAVERN.

Legislative  
Records of the  
Council, xix.,  
144. Mass.  
Archives, exi.,  
193.

Mass.  
Archives, exi.,  
192. House  
Journal, p. 200.

A PETITION of Benjamin Bickner of Boston, shewing that he is about to remove into the House called the Dolphin Tavern in said Town; which has been of great Use for the Entertainm<sup>t</sup> of Fishermen & Coasters; & foras much as the Custom of the House may be lost, if it be not speedily licenced, therefore Praying that the Court of General Sessions of the Peace for the County of Suffolk may be impowered to Licence the Petitioner at their next Term.

Read &

*Ordered* that the Prayer of the Petition be granted & the Justices of the Court of General Sessions of the Peace for the County of Suffolk, are hereby impowered at their next Session to grant the Petitioner a Licence to keep Tavern, he first obtaining the Approbation of the Select Men of the Town of Boston. [Passed March 29.]

## CHAPTER 253.

## ORDER ALLOWING WAGES AND A GUN TO SIMON SARTLE AS REPRESENTATIVE OF HIS FATHER.

Legislative  
Records of the  
Council, xix.,  
144. Mass.  
Archives,  
lxixii., 641.

Mass.  
Archives,  
lxixii., 641.  
House Jour-  
nal, pp. 196, 200.

A PETITION of Simon Sartle shewing that his Father Obadiah Sartle (now deceased) was taken Captive by the Indians with a Gun, which was his own, Praying that his Wages during his Captivity & the Gun, which he lost, may be allowed:

Read and

*Ordered* that the Treasurer be directed to pay to Col<sup>o</sup> Williams for the Use of the Pet<sup>n</sup> twenty four pounds of the last Emission in consideration of the Services and Sufferings of his said Father to be dispos'd off as the Law directs amongst the Heirs of the Deed.

*Ordered* also that the Commissary Gen<sup>l</sup> be directed to deliver the said Williams for the Use of the said Heirs a good Gun out of the Province Store. [Passed March 29.]

## CHAPTER 254.

ORDER ERECTING THE INHAB<sup>T</sup>S OF THE NORTH EASTERLY PART OF BROOKFIELD INTO A SEPARATE PRECINCT.

Legislative  
Records of the  
Council, xix.,  
144. Mass.  
Archives, xiii.,  
106.

Mass.  
Archives, xiii.,  
104. House  
Journal, p. 198.

A PETITION of Thomas Hale & a great Number of others Inhabitants of the North easterly Part of the Town of Brookfield, setting forth the Disadvantages they are under for attending the publick Worship, Praying that they may be erected into a separate Precinct & that they may have Liberty to receive other Inhabitants of the said Town [(]that are minded to join with them,) Provided the whole Number & Possessions exceed not a third Part of the whole Town, Agreeable to the Vote of the Town.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be so far granted, as that the

Pet<sup>rs</sup> with their Familys and Estates together with such Persons and their Estates Who shall within three Months from this time Signifie that Desire therefor, under their hands to the Clerk of the Town of Brookfield, be and they hereby are Sett off a distinct Parish; and are Endowed with all the Priviledges and Subjected to all the Duties which the other Inhabitants of Parishes are by the Laws of this Province endowed with, or Subjected to.

Provided their Possessions do not Exceed one third part of the said Town of Brookfield for Qnantity and Quality. [Passed March 29.

## CHAPTER 255.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE PETITION OF JNO M'KENNY AND OTHERS AND GRANTING A NEW TRIAL OF A CAUSE.

A PETITION of John M<sup>c</sup>Kenny & others Heirs of Robert M<sup>c</sup>Kenny Dec<sup>d</sup> shewing that they lost their Action at the Superior Court, in the County of York, against Elisabeth Deering, for a Parcel of Marsh in the Town of Scarborō, by reason of their Deeds being in the hands of John Jordan, who was at Louisburgh, at the time of Trial; And therefore Praying that they may be allowed a new Trial at the next Superior Court for said County

The Com<sup>tee</sup> appointed on the Petition of John Mackeney and others haue attended that service heard the Parteys and Considered of the Petition and are of the opinion that the Prayer thereof be Granted

Which is submitted ¶ order JOSEPH WILDER

Read &

*Ordered* that this Report be & hereby is accepted, & the Petitioners allowed & impowered by a new Process to reveiw the Cause within mentioned at his Majesty's Superiorour Court of Judicature &c next to be holden at York within & for the County of York on the second Tuesday of June next, & the Justices of the said Court are impow'rd & directed to hear & try the said Cause, make up Judgment & award Execution thereon, pursuant to Law. And that the Pet<sup>rs</sup> notify the adverse Partie Elizabeth Dering or her Attorney of this Order fourteen days at least before the Sitting of the said Court. [Passed March 30.<sup>1</sup>

## CHAPTER 256.

### ORDER IMPOWERING THE COLLECTORS APPOINTED BY THE WEST SOCIETY IN CONCORD TO COLLECT THE MINISTERIAL RATES.

A PETITION of Jonathan Butterick & others a Committee of the West Society in the Town of Conecord, in behalf of the said Society, shewing that divers things have fallen out among them, which have hindered the collecting of the Taxes assessed on the Inhabitants for the support of the Ministry in the proper Season; & therefore Praying that the Collectors may be now impowered to collect the said Taxes.

Legislative Records of the Council, xix., 69. Mass. Archives, xviii., 584.

Mass. Archives, xviii., 573–583. Legislative Records of the Council, xix., 138. House Journal, pp. 96,

194.

Legislative Records of the Council, xix., 145. Mass. Archives, xiii., 103.

Mass. Archives, xiii., 102. House Journal, pp. 30,

<sup>1</sup> This date is according to Mass. Archives; no final action appears to be given in Legislative Records of the Council.

202, *Ante,*  
p. 252, chap.  
313.

Read &

*Ordered* that the Persons who have been chosen by the West Society (so called) in Concord, to be Collectors, have, & they are hereby vested with Power to collect the Rates or Sums that have been set by said Society on the Members thereof & on such as have usually assembled with them for publick Worship, as fully to all Intents & Purposes, as the Collectors of Precincts by Law have, & are vested with for collecting Precinct Taxes. [Passed March 30.]

## CHAPTER 257.

### ORDER IMPOWERING DAVID WILDER, GUARDIAN AND ADM<sup>R</sup>, TO SELL LAND.

Legislative  
Records of the  
Council, xix.,  
145. Mass.  
Archives,  
xviii., 564.

Mass.  
Archives,  
xviii., 565.

A PETITION of David Wilder, shewing that he was appointed Guardian to three Grand Children of the Revd Mr John Prentice late of Lancaster Dec<sup>d</sup> That the s<sup>d</sup> Mr Prentice bequeathed to John & Samuel Prentice forty six Acres of Land apiece they paying his Legacy to their Sister, that John Prentice the eldest Grand Son, died in his Minority after a long & chargeable Sickness, & the Petitioner is appointed Administ<sup>r</sup> of his Estate, that there is Land belonging to the said Grand Children by the Settlement of their Grand mother Mary Prentices Estate: Praying that the Petitioner may be impowered to sell the Whole of the said Lands for the Payment of the Deceaseds Debts, & the Benefit of the surviving Brother & Sister.

Read &

*Ordered* that the Prayer of the Petition be granted, And the Pet<sup>r</sup> is allowed & impowered to make Sale of the forty six Acres of Land within mention'd, belonging to His Brother Samuel, as also the whole of the Land belonging to the Minors in common and to execute in due form of Law a Deed or Deeds for Conveyance thereof, to such Person or Persons as shall give most for the same, and that the Pet<sup>r</sup> dispose of the Produce of the said forty six Acres, as also the said John's Share of the Produce of the Land held by the Minors in common, or such Part thereof as shall be found necessary for the Payment of his Debts, Funeral &c<sup>a</sup> And the Remainder if any such there be to his Heirs agreeable to Law, And that he Dispose of Samuel & Anna's Shares of the Produce of the Land held in common, so as may be most for their Advantage, and pay what shall remain in his hands upon an Adjustment of his Acco<sup>t</sup>s pursuant to Law, unto the said Minors, as they respectively arrive at Age, or shall be married, which shall first happen And it is further

*Ordered* that the Pet<sup>r</sup> in the Capacity of Admin<sup>r</sup> to the s<sup>d</sup> John make & execute in due form of Law a Deed for Conveyance of so much of the said John's forty six Acres of Land unto the said Sammel as shall be equivalent to what of said Samuel's Estate is applied towards the Paym<sup>t</sup> of said John's Debts, Funeral &c<sup>a</sup> And such Deed or Deeds, duly acknowledged & recorded, shall make a good Title to the said Samuel his Heirs & Assigns for ever.<sup>2</sup> [Passed March 30.<sup>3</sup>

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is March 29.

<sup>2</sup> Not found in the House Journal.

<sup>3</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is March 31.

## CHAPTER 258.

## ORDER ALLOWING £10. 14. 9 TO JOHN KEFFE.

A PETITION of John Keffe of Boston Labourer, setting forth that there was due to him for his service, as a Soldier on the Expedition against Cape Breton, the sum of Ninety Pounds, of which he received no more than Forty Pounds, The Committee of War alledging that his Wife received the Remainder, in his Absence, thô they can produce no Receipt, & his Wife was then out of the Province; Praying for the Order of this Court for the Payment of his remaining Wages.

Read and

*Ordered* that the Comm<sup>ee</sup> of War be directed to pay the Pet<sup>r</sup> the sum of ten pounds fourteen Shillings and Nine pence Bills of the last Emission in consideration of his Service mentioned. Provided the Pet<sup>r</sup> take Solemn Oath that neither He or any one by his Order have heretofore recievied the same. [Passed March 30.<sup>1</sup>

Legislative Records of the Council, xix., 146. Mass. Archives, lxxiii., 589.

Mass. Archives, lxxiii., 588. House Journal, p. 202. Province Laws, xiii., 465, chap. 1.

## CHAPTER 259.

## ORDER IMPOWERING DAN DRURY TO PURCHASE PROVINCE LAND.

A PETITION of Daniel Drury of Shrewsbury, shewing that there lies adjoining to Land he purchased of the Heirs of Joseph Willard Dec<sup>d</sup> & the Narragansett Township Number Two, a small Tract of Province Land, containing seventy six Acres; which lies commodiously for the Petitioner, Therefore Praying that he may be allowed to purchase it for a valuable Consideration; A Plan of which Land is annexed to the Petition.

Read and

*Ordered* that the land described in the within written plan being Seventy Six Acres be and hereby is granted to the Pet<sup>r</sup> his Heirs and Assigns forever Provided He pays into the Treasry on or before the tenth of April next the Sum of fourteen pounds five Shillings. new tenor Provided also that said Tract does not interfere with any former Grant. [Passed March 30.<sup>2</sup>

Legislative Records of the Council, xix., 147. Maps and Plans, Mis., xxxv., 11.

Mass. Archives, xlvi., 199–201. House Journal, pp. 90, 199, 201.

## CHAPTER 260.

VOTE SUBSTITUTING JOSEPH HEATH, ESQ<sup>R</sup>, FOR JOSEPH DWIGHT, ESQ<sup>R</sup>, AS COMMISS<sup>R</sup> ON THE LINE BETWEEN MASSACHUSETTS AND RHODE ISLAND.

Legislative Records of the Council, xix., 147. Mass. Archives, vi., 592.

House Journal, p. 201. Province Laws, ix., 164, chap. 134. Ante, p. 318, chap. 145.

*Voted* that Joseph Heath Esq<sup>r</sup> be one of the Commissioners to Meet with the Commissioners from the Government of Rhode Island in order to run and renew the Line agreed on and Settled by both Governments the 19<sup>th</sup> of January 17<sup>10</sup>/<sub>11</sub> in the room of Joseph Dwight Esq<sup>r</sup> Who is indispos'd. [Passed March 30.<sup>3</sup>

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is March 31.

<sup>2</sup> This date is according to Maps and Plans, Mis., and the House Journal; according to Legislative Records of the Council the date is March 31.

<sup>3</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is March 31.

## CHAPTER 261.

## VOTE EXTENDING THE TIME OF THE ORDER OF JUNE 5, 1746, IN REGARD TO TAXES ON LAND IN THE DISTRICT OF DOUGLASS.

Legislative Records of the Council, xix., 150. Mass. Archives, cxv., 539.

Mass. Archives, cxv., 537. House Journal, pp. 147, 203. Province Laws, xiii., 535, chap. 6.

A PETITION of the District of Douglas, Praying that this Court would Revive the Order pass'd in June 1746, for impowering the Inhabitants there to raise a Tax on the unimproved Land in said District for the support of the Ministry there, &c.

Read &

*Voted* that the Order of this Court of the fifth of June 1746, for impowering the District of Douglas to tax that part of the Land within said Precinct formerly granted to the Inhabitants of New Sherburn at one penny  $\frac{1}{2}$  Acre, & the Remainder at one half penny  $\frac{1}{2}$  Acre New Tenor for three Years; which Term is now expired, be & hereby is continued & enforced for the Space of three Years further from this Time. [Passed March 30.]

## CHAPTER 262.

## VOTE DIRECTING THE FIRST PARISH IN MIDDLEBOROUGH TO REIMBURSE SAMUEL BENNET.

Legislative Records of the Council, xix., 70. Mass. Archives, xiii., 100.

Mass. Archives, xiii., 90–101; xiii., 588–591. Legislative Records of the Council, xix., 146. House Journal, pp. 101, 200.

A PETITION of Samuel Bennet of Middleborō, shewing that, being chosen a Collector of Taxes in the first Precinct there, in executing that Office, he met with great Difficuity, & was put to great Expence in the Law, & much Loss of Time, for w<sup>ch</sup> he applied to said Precinct, that he might be reimbursed his Expence, & satisfied for his Loss of Time; but they have utterly refused it; Praying for for<sup>1</sup> Relief from this Court.

[Read &]

*Voted* that the first Parish in Middleborough reimburse and pay to the said Bennet the Sum of two pounds three Shillings and five pence lawful Money whieh He paid to Caleb Thompson in satisfaction of the Judgment the said Caleb obtain'd against him; and also the further Sum of four pounds like money in satisfaction for the Cost and Charge He the said Bennet was at in defending said Suit; and prosecuting His Petition for Relief at this and the last Session of this Court; and that said Bennet Notifye Comm<sup>e</sup> of said Parish of this Order. [Passed March 31.]

## CHAPTER 263.

## ORDER IMPOWERING ELEA. POIGNOT, INDIAN, TO SELL LAND.

Legislative Records of the Council, xix., 146. Mass. Archives, xxxi., 661.

Legislative Records of the Council, xviii.,

A PETITION of Eleazar Poignot of Natick Indian, shewing that he is greatly in Debt, that besides his Home Lot, he has considerable Out Lands at some distance, Praying that he may be allowed to sell Ten Acres thereof for the Payment of his Debts, & procuring for him Necessaries of Life: Recommended by two of the Guardians of the Natick Indians.

<sup>1</sup> *Sic.*

Read, and  
*Order'd* that the Prayer of this Petition be so far granted as that the Petitioner have Liberty, (with the advice & assistance of the Guardians of the Indians) to make Sale of so much of his Out Lands (not exceeding ten acres) as the Guardians aforesaid shall judge necessary: and that the Proceeds of such Sale be by them applyed for the Purposed<sup>1</sup> mentiond in the said Petition. [Passed March 31.

43. House Journal, p. 199  
 (January, 1746); p. 205.

## CHAPTER 264.

Legislative Records of the Council, xix., 147.

ORDER DIRECTING THE COMMITTEE ON THE REPAIRS OF THE COURT HOUSE TO LAY THEIR ACCTS BEFORE Y<sup>E</sup> COURT.

House Journal, p. 204.  
*Ante*, p. 110,  
 chap. 276;  
 p. 353, chap.  
 224.

*Ordered* that the Committee, appointed to take Care of the Repairs of the Court House be directed to lay their Accompts upon the Table as soon as may be. [Passed March 31.

## CHAPTER 265.

VOTE APPOINTING A COMMITTEE ON THE EXCHANGE OF THE BILLS OF CREDIT FOR SPECIE.

IN THE HOUSE OF REPRESENT<sup>VES</sup> It appearing to this House that in the Exchanging of our present Currency, It will give great Dispatch, as well as tend much to the Ease of the Subjects, if six Persons be appointed a Committee, (three of whom to be a Quorum) to assist in said Affair; Therefore,

Legislative Records of the Council, xix., 148.

Mass. Archives, cii., 471–481;  
 CXXXVI., 121–123. House Journal, pp. 199, 205.  
 Province Laws, iii., 430.  
 chap. 15.

*Voted* that James Allen Esq<sup>r</sup> Andrew Boardman Esq<sup>r</sup> M<sup>r</sup> James Russell & Thomas Foster Esq<sup>r</sup> with such whom the Hon<sup>ble</sup> Board shall join, be a Committee (who shall be under Oath for the faithful Discharge of their Trust, & accountable to this Court, & for which Service they shall each receive Five shillings a Day) in order to receive from the Possessors of the Bills, exclusive of the Inhabitants of Connecticut, Rhode Island & New Hampshire, what Bills may be brought to exchange, Agreeable to the Act for drawing in the Bills of Credit made in the 22<sup>d</sup> Year of his Majestys Reign; Which Committee shall attend each Day in the Week, except Lords days & Saturdays, from nine to one, & from three to seven a Clock of each day, until the further Order of this Court; And for each sum or sums in such Bills, they may so receive, (after they have been counted & told by two Persons at least of said Committee,) they are impowered & directed to give Orders on the Treasurer to the Persons, of whom they may receive such Bills; & also to keep a List of such Orders; Which List shall be transmitted by them to the Treasurer, under their hands, or the hands of the Major Part of them, from time to time, as they may give said Orders; & shall from day to day consume to Ashes what Bills they may so receive, keeping an Account of what sums may be so consumed; And if among the Bills which shall be offered in Exchange, there appears to be any that are counterfeit, or are suspected to be, said Committee are to stop the same, & take the Names of the Persons of

<sup>1</sup> *Sic*, for “purposes,” as in Legislative Records of the Council, xix., 147.

whom they receive them for the further Examination & Order of this Court: And the Treasurer, in exchanging the said Money, agreeable to the afore said Act, is hereby impowered & directed to pay Three pence of the Copper Half pence & Farthings that are now in the Treasury in every Twenty shillings he shall so exchange, & so in proportion for a greater sum; & shall also in each Exchange deliver Pillared Money & Mill'd Money, according to the respective proportion & value of the same, that may be in the Treasury, & shall be at Liberty to pay unto any Person (that may desire the same) three pence in every Twenty shillings that may be exchanged in the Bills that are proposed to be emitted for the Convenience of small Change, & so in proportion for a greater sum; And the Treasurer is further impowered & directed to appoint a sufficient Number of Persons to assist him in exchanging the afore said Silver & Copper (for whose Conduct he shall be accountable in such Exchange,) And they together with the Treasurer shall attend said Business at the same times at which the before mentioned Committee are obliged to attend; And

It is further

*Ordered* that the Committee chosen as afore said, be impowered & directed to receive of the Inhabitants of this Governm<sup>t</sup> any sum or sums of the Bills of Connecticut, Rhode Island or New Hampshire, & give Receipts & make fair Entries of the same, & from whom received, they making Oath before the said Committee, or a Justice of the Peace, or Town Clerk (where no Justice dwells,) that the Bills by them tendered are their own Property, & that they were actually possessed of the same before the first day of April 1750; & said Committee are also directed & impowered to examine all Persons bringing any sums of the Bills of this Province to exchange for Silver, Whether the same be their own Property or the Property of their Neighbours Inhabitants of this Province, & whether they have, & whether they have not received such Bills for Silver sold directly or indirectly to any Inhabitant or Resident in the aforesaid Governm<sup>ts</sup> of Connecticut, Rhode Island or New Hampshire since the thirtieth of March 1750, & to administer an Oath to such Persons as they shall judge proper, to answer to all such Questions, as shall be asked them, respecting the said Bills; & upon Refusal to answer, they shall not have their Bills exchanged; And upon the said Committees discovering the said Bills so tendered, to be the Property of the Inhabitants of any of the aforesaid Governm<sup>ts</sup> that in such Case the Bills of the respective Governm<sup>ts</sup> in the hands of said Committee shall be given in Exchange for the Bills of this Province; & said Bills or Silver shall be given to the Persons who have lodged the Bills of the aforesaid Governm<sup>ts</sup> in the hands of said Committee, in proportion to the sum or sums so lodged, at the end of every two months; And in case there be not a Sufficiency to redeem all the Bills of the other Governments in the hands of said Committee, the Committee to deliver the s<sup>d</sup> Bills to the Owners of the same when they please to call for them

In Council: Read & Concur'd; And Samnel Watts,<sup>1</sup> John Quincy & Ezekiel Chever Esq<sup>r</sup> are joined in the Affair. [Passed March 31.

<sup>1</sup> This appears to be an error of the secretary, as Samuel Watts was added to the committee April 9. See *post*, p. 386, chap. 313.

## CHAPTER 266.

## ORDER DIRECTING THE PAYMENT OF WAGES DUE SILAS LEONARD.

Legislative  
Records of the  
Council, xix.,  
149. Mass.  
Archives,  
lxviii., 657.

*Ordered* that the Province Treas<sup>r</sup> be & hereby is Directed to pay to Samuel White Esq<sup>r</sup> for the use of William Leonard the full of the wages that were Due to his son Silas Leonard. who is Since Dec<sup>d</sup> as born on Cap<sup>t</sup> Cargills muster roll in the year 1746. [Passed March 31.

House Jour-  
nal, p. 205.

## CHAPTER 267.

Legislative  
Records of the  
Council, xix.,  
150. Mass.  
Archives,  
cxxxvi., 123.

ORDER SUBSTITUTING JOHN JEFFRIES, ESQ<sup>R</sup>, FOR JAMES ALLEN, ESQ, ON THE COMM<sup>TEE</sup> FOR EXCHANGING BILLS &c.

Mass.  
Archives,  
cxxxvi., 121.  
House Jour-  
nal, p. 207.  
*Ante*, p. 369,  
chap. 265.

*Ordered* that John Jeffries Esq<sup>r</sup> be of the Committee for Receiv-  
ing the Bills of Credit of the Province &c in the Room of James Allen Esq<sup>r</sup> who is excused from that Service. [Passed April 2.

## CHAPTER 268.

## ORDER WITH STAY OF EXECUTION GRANTING THE PETITION OF THO. COBB FOR THE TRIAL OF AN ACTION OF REVIEW.

Legislative  
Records of the  
Council, xix.,  
116. Mass.  
Archives,  
xliii., 72.

Mass.  
Archives,  
xliii., 71.  
Legislative  
Records of the  
Council, xix.,  
150. House  
Journal,  
pp. 161, 162.

A PETITION of Thomas Cobb of Taunton, shewing that at the Superior Court of Judicature, for the County of Suffolk, held in August last, he brought his Writ of Review of a Cause between the Petitioner & Nathaniel Showers of Salem, that the Petitioner was taken sick, at the beginning of the Court; & having informed the Judges thereof, his Cause was continued over to the Adjournm<sup>t</sup> of the same Term, which the Petitioner conceiving to be the next Term, did not attend at the Adjournm<sup>t</sup> & so the Cause went against him, Praying that his Action of Review may be tried at the next Term of said Court; & that Execution on the said Judgment, ob-  
tained against him, may be stayed in the mean time.

Read, And it appearing that Mr Benj<sup>a</sup> Pratt Attorney to the within named Nathaniel Showers has been served with a Copy of this Petition, but no Answer being given in,

*Ordered* that the Prayer of the Petition be granted; And the Pet<sup>r</sup> is allowed and empowered, by a new Process to review the Cause within mentioned, at his Maj<sup>ty</sup>s Sup<sup>r</sup> Court of Jud<sup>r</sup> &c<sup>a</sup> next to be holden at Boston within & for the County of Suffolk on the third Tuesday in Aug<sup>t</sup> next; And the Justices of the said Court are likewise im-  
powered & directed to hear & try the same, make up Judgm<sup>t</sup> &  
award Execution thereon, pursuant to Law; And the Execution within mentioned is stayed in the mean time, provided the Pet<sup>r</sup> give sufficient Security to the Sheriff of the County of Bristol to pay what Sum shall be finally recovered of him, with lawful Inter-  
est therefor from this time, And that he notify the adverse Party Nathaniel Showers or his Attorney of this Order fourteen days at least before the Sitting of the said Court.<sup>1</sup> [Passed April 2.

<sup>1</sup> Final action on this petition is not found in the House Journal.

## CHAPTER 269.

ORDER REMITTING TO THE TOWN OF GRAFTON THE FINE FOR NOT  
SENDING A REPRESENTATIVE.

Legislative Records of the Council, xix., 151. Mass. Archives, cxv., 606.

A PETITION of the Select men of Grafton, in behalf of said Town, setting forth the Reasons of their not sending a Represent<sup>ve</sup> to Court the last Year, & Praying that the Fine of Ten Pounds laid on them may be remitted.

Mass. Archives, cxv., 605. House Journal, p. 208.

Read and  
*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and the within named Select Men (or their ord<sup>r</sup>) are allowed to recieve the within mentioned Sum out of the Treasury accordingly. [Passed April 2.]

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## CHAPTER 270.

## ORDER IN REGARD TO THE SETTLEMENT OF THE ESTATE OF DANIEL BEAMAN.

Legislative Records of the Council, xix., 69. Mass. Archives, xviii., 512.

Mass. Archives, xviii., 510. Legislative Records of the Council, xix., 169. House Journal, p. 94.

A PETITION of Joseph Miller Administ<sup>r</sup> of the Estate of Daniel Beaman late of Springfield Dec<sup>d</sup> shewing that the said Beamans Real Estate consists of five several Parcels of Land in distant Places, & that there are twenty six Heirs of the said Estate, which will render a Division very inconvenient; And therefore Praying that the whole of the said Estate may be wholly settled upon the Petitioner, He giving Bond to pay the rest of the Heirs their Proportion thereof.

Read &

*Ordered* that the Judge of Probate for the County of Hampshire be & hereby is Impowered to Settle the whole of the real Estate of Dan<sup>l</sup> Beeman late of Springfield in S<sup>d</sup> County Dec<sup>d</sup> on one of the Heirs of S<sup>d</sup> Dec<sup>d</sup> taking Sufficient Security that the Other Heirs have their due proportion of the Same after Just & necessary Charges of Adm<sup>rs</sup> Settlement &c<sup>a</sup> are Subducted any thing in the Law to the Contrary in any wise Notwithstanding.<sup>1</sup> [Passed April 2.<sup>2</sup>

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## CHAPTER 271.

## ORDER IMPOWERING SARAH BURNEE, INDIAN, TO SELL LAND.

Legislative Records of the Council, xix., 151. Mass. Archives, xxxi., 694.

Mass. Archives, xxxi., 694. House Journal, p. 207. Province

A PETITION of Sarah Burnee of Hassaniminisco Indian, shewing that she has divers Parcels of Land in said Place, & Praying that she may be allowed to make Sale of two Divisions of her said Land, being about seventy Acres, which lies very distant from her Home-stead; And that the Produce thereof may be laid out in building a House, purchasing a Cow &c: Which Petition was recommended by two of the Guardians of the said Indians.

Read &

<sup>1</sup> The final action on this petition is not found in the House Journal.

<sup>2</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is April 16.

*Ordered* that the Prayer of the Petition be granted, & the Pet<sup>r</sup> Laws, xiii., 326,  
is allowed & impowered (with the Advice & Consent of the Trus- chap. 227.  
tees for the Hassanamisco Indians) to sell the two Lots of Land  
within mentioned; The Produce thereof to be disposed of by the  
s<sup>d</sup> Trustees for the Purposes mentioned in the Petition, & they to  
be accountable to this Court. [Passed April 2.<sup>1</sup>

## CHAPTER 272.

### ORDER CONTINUING THE ESTABLISHMENT OF THE SOLDIERS AT NUMBER 4.

A PETITION of Cpt. Phineas Stevens, setting forth the exposed State of the Fort at Number Four, & Praying for the Continuance of the Garrison posted there by this Governm<sup>t</sup> until the Peace shall be better established.

Read and

*Ordered* that the Pay and Subsistance of fifteen Men at Number 4 which Expires the first of May next be further continued to the last of May next. [Passed April 3.

Legislative Records of the Council, xix., 152. Mass. Archives, lxxiii., 644.

Mass. Archives, lxxiii., 644. House Journal, pp. 10, 194, 209. Ante, p. 334, chap. 175.

## CHAPTER 273.

### ORDER CONTINUING THE ESTABLISHM<sup>T</sup> OF THE FORCES ON THE FRONTIERS.

Legislative Records of the Council, xix., 151. Mass. Archives, lxxiii., 660.

House Journal, p. 209. Ante, p. 334, chap. 175.

*Ordered* that the Establishment of the Pay and Subsistance of the Forces upon the Frontiers which Expires the first of May next be further Continued to the last of May next. [Passed April 3.

## CHAPTER 274.

### ORDER ALLOWING £5 TO PETER RICH.

A PETITION of Peter Rich of Wells a Pensioner to the Governm<sup>t</sup> shewing that by reason of his being disabled thrō Wounds received in the publick Service, he has had a Pension, which lately has been lessened by the Falling of the Value of the Bills, Praying that it may be raised to first real Value.

Read and

*Ordered* that the Treasurer be directed to pay to Col<sup>o</sup> Storer for the Use of the Petitioner five pounds Bills of the new tenor (so called) or Lawful Money equivalent thereto per Annum until this Court shall otherwise Order. [Passed April 3.

Legislative Records of the Council, xix., 151. Mass. Archives, lxxiii., 640.

Mass. Archives, lxxiii., 640. House Journal, pp. 204, 210. Ante, p. 121, chap. 306.

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is April 3.

## CHAPTER 275.

ORDER ALLOWING £4. 5. 4 TO BENJ<sup>A</sup> POMROY.

Legislative  
Records of the  
Council, xix.,  
151. Mass.  
Archives,  
lxxiii., 650.

Mass.  
Archives,  
lxxiii., 649.  
House Jour-  
nal, pp. 204, 210.

A PETITION of Benjamin Pomroy a Soldier in the late Expedition against Cape Breton, setting forth his great Sufferings by Sickness & Lameness, contracted in the service; & Praying for Relief from this Court.

Read and

*Ordered* that the Treasurer be directed to pay to Cap<sup>t</sup> Pierson for the Use of the Pet<sup>r</sup> four pounds five Shillings and four pence Lawful Money in consideration of his past Sufferings. [Passed April 3.]

## CHAPTER 276.

## ORDER IMPOWERING MOSES BENNET TO MAKE UP HIS MUSTER ROLL.

Legislative  
Records of the  
Council, xix.,  
156. Mass.  
Archives,  
lxiv., 363.

Mass.  
Archives,  
lxiv., 362.  
House Jour-  
nal, pp. 201, 210.  
*Ante*, p. 287,  
chap. 66.

A PETITION of Cpt. Moses Bennet Master of the Ship Massachusetts Frigate, shewing that the Establishm<sup>t</sup> for him self & Men expired the first of October last, & Praying that it may be continued to the 19<sup>th</sup> of March last;

Read and in Answer

*Ordered* that the Pet<sup>r</sup> have liberty to make up his Roll for himself and two Men from the first of October until the 15<sup>th</sup> of February last. [Passed April 3.]

## CHAPTER 277.

ORDER ALLOWING £2. 19. 2 TO SAM<sup>L</sup> CLARK.

Legislative  
Records of the  
Council, xix.,  
147. Mass.  
Archives,  
lxxiii., 658.

Mass.  
Archives,  
lxxiii., 658.  
House Jour-  
nal, p. 208.

A PETITION of Samuel Clark of Falmouth, shewing that his Father George Clark was killed by the Indian Enemy at Pemaquid while in the publick Service, and had then £2. 19. 2 due to him for Wages on Cpt. Moodeys Muster Roll; Praying that the said Wages may be paid to him or his Brother.

Read and

*Ordered* that the Treasurer be directed to pay to Cap<sup>t</sup> Moses Pierson the Sum within mentioned (if due upon Muster roll) to be by him distributed among the Heirs of the Deceased according to Law. [Passed April 3.]<sup>1</sup>

## CHAPTER 278.

## ORDER TRANSFERRING £200 FROM THE APPROPRIATION FOR GRANTS TO THE APPROPRIATION WHERE THERE IS NO ESTABLISHMENT.

Legislative  
Records of the  
Council, xix.,  
152.  
House Jour-  
nal, p. 211.  
Province  
Laws, iii., 489,  
chap. 17.

*Ordered* that a Transfer be made of Two hundred Pounds from the Appropriation for Grants, to the Appropriation, where there is no Establishm<sup>t</sup>. [Passed April 4.]

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is March 31.

## CHAPTER 279.

## ORDER ALLOWING £8 TO THE HEIRS OF JONATH. BRIDGHAM.

*Ordered* that the Treasurer be directed to pay to Israel Williams Esq<sup>r</sup> for the Use of the Heirs of Jonathan Bridgman Dec'd the Sum of Eight pounds being due to him for wages whilst in Captivity. [Passed April 4.]

Legislative Records of the Council, xix., 153. Mass. Archives, lxxiii., 661.  
House Journal, p. 211.

## CHAPTER 280.

## ORDER IMPOWERING JOHN SALE, EXECUTOR, TO SELL REAL ESTATE.

A PETITION of John Sale of Chelsea, surviving Executor of the last Will & Testament of Penn Townsend Esq<sup>r</sup> Dec'd & his Son in Law, shewing that he has laid out a considerable sum of Money for the benefit of the Deceaseds Farm, that the Deceaseds Mansion House in Boston is in a very ruinous Condition; therefore Praying that he may be impowered by this Court to sell the Mansion House (there being some Difficulty in the Will that may otherwise discourage the Purchaser;) A Certificate being subjoined of the Consent of the Heirs to the said Sale:

Read &

*Order'd* that the petitioner John Sale be & hereby is empower'd to make Sale of the premises, provided He secure the proceeds thereof to his Children the surviving Heirs of the hon<sup>r</sup> Coll<sup>r</sup> Pen Townsend Esq<sup>r</sup> to be paid to them imediately after such Sale Or secure the same to their Satisfaction, They paying him the said John Sale lawfull Interest for such proceeds during his natural Life. [Passed April 5.]

Legislative Records of the Council, xix., 154. Mass. Archives, xviii., 588.  
Mass. Archives, xviii., 586.  
House Journal, p. 214.

## CHAPTER 281.

## ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF JOS. MOFFATT FOR A NEW TRIAL.

A PETITION of Joseph Moffat of Lunenburgh shewing that Aaron Nelson obtained a Judgment against him for £100 & Costs, at the Superior Court of Judicature held at Springfield for the County of Hampshire in Septem<sup>r</sup> last, the Petitioner being then sick, & not able to defend his Cause, & so Judgment went by Default, Praying for a new Trial by a Jury & that Execution may be stayed in the mean time.

Read &

*Ordered* that the Pet<sup>r</sup> serve the adverse Party Aaron Nelson with a Copy of this Petition, that so he may shew Cause, if any he hath, on the 2<sup>d</sup> Wednesday of the next May Session, why the Prayer thereof should not be granted and Execution is staid in ye Mean time Provided the Pet<sup>r</sup> give sufficient security to the Sheriff of the County of Worcester, to pay what shall appear to be finally due from him with Interest therefor from this day. [Passed April 6.<sup>1</sup>]

Legislative Records of the Council, xix., 154. Mass. Archives, xliii., 98.  
Mass. Archives, xliii., 97.  
House Journal, p. 215.

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is April 5.

## CHAPTER 282.

## ORDER ALLOWING £750 TO THE JUDGES.

Legislative  
Records of the  
Council, xix.,  
155. Mass.  
Archives,  
xliii., 157.

House Jour-  
nal, p. 213.

*Ordered* that the sum of Seven hundred and fifty pounds be granted & allowed to be paid out of the Publick Treasury to the Hon<sup>oble</sup> the Justices of his majestys Superiour Court of Judicature Court of Assize & General Goal Delivery, for their Service one Year, ending the first day of January last. [Passed April 6.

## CHAPTER 283.

## ORDER ALLOWING £21. 6. 8 TO THE SECRETARY.

Legislative  
Records of the  
Council, xix.,  
155. Mass.  
Archives,  
xlii., 276.

House Jour-  
nal, p. 213.

*Ordered* that the sum of Twenty one pounds Six Shillings & eight pence be Granted & allowed to be paid out of the Publick Treasury to Josiah Willard Esq<sup>r</sup> Secretary of this province in full for his Service for one Year, ending the third of December last. [Passed April 6.

## CHAPTER 284.

ORDER ALLOWING £85. 6. 8 ADDITIONAL TO THE SEC<sup>RY</sup>.

Legislative  
Records of the  
Council, xix.,  
156. Mass.  
Archives,  
xlii., 273.

House Jour-  
nal, p. 213.

*Ordered* that the sum of Eighty five pounds Six Shillings & Eight pence be Granted & allowed to be paid out of the Publick Treasury to Josiah Willard Esq<sup>r</sup> Secretary &c<sup>a</sup> in consideration of his extraordinary Services to the third of December last. [Passed April 6.

## CHAPTER 285.

## ORDER ALLOWING £85. 6. 8 TO THE TREASURER.

Legislative  
Records of the  
Council, xix.,  
156. Mass.  
Archives,  
xlii., 269.

House Jour-  
nal, p. 213.

*Ordered* that the sum of Eighty five pounds Six Shill<sup>s</sup> & Eight pence be Granted & Allowed to be paid out of the Publick Treasury to William Foye Esq<sup>r</sup> Treasurer & Reciever General of his Majestys Revenues of this province for one Year ending the second of January last. [Passed April 6.

## CHAPTER 286.

## ORDER ALLOWING £101. 6. 8 ADDITIONAL TO THE TREASURER.

Legislative  
Records of the  
Council, xix.,  
156. Mass.  
Archives,  
xlii., 268.

House Jour-  
nal, p. 213.

*Ordered* that the sum of One hundred and One pounds Six Shill<sup>s</sup> and Eight pence be Granted & Allowed to be paid out of the Publick Treasury to William Foye Esq<sup>r</sup> Treasurer &c<sup>a</sup> in consideration of his extraordinary Services. [Passed April 6.

## CHAPTER 287.

## ORDER ALLOWING £106. 13. 4 TO THE COMMISSARY GENERAL.

*Ordered* that the sum of One hundred Six pounds thirteen Shill<sup>gs</sup> and four pence be Allowed & paid out of the Publick Treasury to John Wheelwright Esq<sup>r</sup> Commissary General for his service in that Office for one Year. [Passed April 6.]

Legislative Records of the Council, xix., 156. Mass. Archives, lxxiii., 663.  
House Journal, p. 214.

## CHAPTER 288.

## ORDER ALLOWING £53. 6. 8 ADDITIONAL TO THE COMMISSARY GENERAL.

*Ordered* that the sum of fifty three pounds Six Shill<sup>gs</sup> and Eight pence be Granted & Allowed to be paid out of the Publick Treasury to John Wheelwright Esq<sup>r</sup> Commissary General in consideration of his care & Trouble in transacting the extraordinary Affairs of the province. [Passed April 6.]

Legislative Records of the Council, xix., 156. Mass. Archives, lxxiii., 662.  
House Journal, p. 214.

## CHAPTER 289.

## ORDER ALLOWING £186. 13. 4 TO THE PRESIDENT OF HARVARD COLLEGE.

*Ordered* that the sum of One hundred Eighty Six pounds thirteen Shill<sup>gs</sup> and four pence be Granted & Allowed to be paid out of the Publick Treasury to the Rev<sup>d</sup> Edward Holyoke President of Harvard Colledge over & above the Rents of the Massachusetts Hall for one Year ending the tenth day of September next. [Passed April 6.]

Legislative Records of the Council, xix., 156. Mass. Archives, Iviii., 353.  
House Journal, p. 213.

## CHAPTER 290.

## ORDER ALLOWING £100 TO THE PROFESSOR OF DIVINITY AT HARVARD COLLEGE.

*Ordered* that the sum of One hundred pounds be Granted & allowed to be paid out of the Publick Treasury to the Reverend Edward Wigglesworth Hollisian Professor of Divinity at Harvard Colledge in Cambridge, as a Gratuity, in consideration of his faithful Discharge of that great & important Trust reposed in him, & for his further Encouragement therein. [Passed April 6.]

Legislative Records of the Council, xix., 156. Mass. Archives, Iviii., 353.  
House Journal, p. 214.

## CHAPTER 291.

## ORDER ALLOWING 1/ 4 TO THE HONORABLE JOSEPH DWIGHT, SPEAKER OF THE HOUSE.

Legislative Records of the Council, xix., 156. Mass. Archives, xlix., 272.

House Journal, p. 213.

*Ordered*, That there be Granted & Allowed to be paid out of the Publick Treasury One Shilling and four pence  $\text{p}$  Diem to the Hon<sup>ble</sup> Joseph Dwight Esqr the Speaker of the House, for Euery Day of his attendance in the General Court from the Opening of the Sessions on the 31<sup>st</sup> day of May 1749, over & above his Pay as a Member of the House. [Passed April 6.]

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## CHAPTER 292.

## ORDER ALLOWING 1/ 4 PER DIEM TO THOMAS HUBBARD, ESQ, SPEAKER PRO TEMPORE.

Legislative Records of the Council, xix., 156. Mass. Archives, xlix., 271.

Mass. Archives, xlix., 270.

*Ordered* that there be granted and Allowed to be paid out of the publick Treasury One Shilling and four pence per Diem to the Hon<sup>ble</sup> Thomas Hubbard Esqr Speaker pro tempore for every day of his Attendance in the General Court in that Station over and above his pay as a Member of the House. [Passed April 6.]

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## CHAPTER 293.

## ORDER ALLOWING £64 TO THE CLERK OF THE HOUSE.

Legislative Records of the Council, xix., 157. Mass. Archives, xlix., 267.

House Journal, p. 213.

*Ordered* that the sum of Sixty four pounds be Granted & Allowed to be paid out of the Publick Treasury to Roland Cotton Esqr Clerk of the House for his Service in that Trust for the present Year. [Passed April 6.]

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## CHAPTER 294.

## ORDER ALLOWING £11 TO THE CHAPLAINS OF THE COURT.

Legislative Records of the Council, xix., 157. Mass. Archives, xiii., 119.

House Journal, p. 214.

*Ordered* that the sum of Eleven pounds be Granted & Allowed to be paid out of the Publick Treasury vizt One half to the Rev<sup>d</sup> Chaplain of the Hon<sup>ble</sup> Board the Present Year, the Other half to the Rev<sup>d</sup> Ellis Gray, the Chaplain of the House for their respective Services the present Year. [Passed April 6.]

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## CHAPTER 295.

## ORDER ALLOWING £100 TO THE DOORKEEPER.

Legislative Records of the Council, xix.,

*Ordered* that the sum of One hundred pounds be Granted & allowed to be paid out of the Publick Treasury to M<sup>r</sup> William

Baker Doorkeeper to his Excellency the Governor & this Court in full for his service for one Year ending the 30<sup>th</sup> of May next.  
 [Passed April 6.]

157. Mass.  
 Archives,  
 xlxi., 275.  
 House Jour-  
 nal, p. 214.

## CHAPTER 296.

### ORDER WITH STAY OF EXECUTION ON THE PETITION OF EPH. KELLOG FOR A NEW TRIAL.

A PETITION of Ephraim Kellog of Hadley, in the County of Hampshire, shewing that in a Cause between him & one Solomon Boltwood, tried at the Superior Court for said County, held in Septem<sup>r</sup> 1748, which was submitted to a Rule of Court, Judgment was made up according to the Report of the Referrees, which was against the Petitioner; And forasmuch as one of the Referrees had a Prejudice against the Petitioner, & two of his principal Witnesses were absent, Therefore Praying that he may have a new Trial of the said Cause at the next Superior Court for the said County.

The Com<sup>tee</sup> to whom was referred ye petition of Ephraim Kellogg, having examined ye Papers & heard the Parties (by their Agents) & duly considered w<sup>t</sup> was offered by them, Are of Opinion yt ye Prayer of the Petition be granted & a new tryal be allowed, & the Justices of the Superior Court are directed & Impower'd to hear & try the Cause at yr next Session at Springfield in s<sup>d</sup> County on ye fourth Tuesday of September next, to give judgment & award Execen<sup>n</sup> accordingly & yt Execution be stay'd in the mean time

EZE: LEWIS p order.

Read and

*Ordered* that this Report be and hereby is accepted & the Pet<sup>r</sup> is allowed a new Trial, & the Justices of the Superior Court are impowered & directed to hear & try the Cause within mentioned, at their next Session to be holden at Springfield for the County of Hampshire on the fourth Tuesday of September, next, & give Judgment & award Execution thereupon, & Execution within mention'd is stayed in the mean Time, accordingly; Provided the Pet<sup>r</sup> give Security to the Sheriff of the County of Hampshire to pay what shall be finally recovered against him with lawful Interest, until the time of making up the Judgment. [Passed April 6.]

## CHAPTER 297.

### VOTE FOR LAYING OUT A TOWN AT HOOSUCK.

In the House of Rep<sup>rves</sup>  
 Voted That Col<sup>o</sup> Miller & Cap<sup>t</sup> Livermore with such as the Hon<sup>ble</sup> Board shall appoint be a Committee to lay out Sixty three House Lots in the Westermost Township at Hoosuk<sup>1</sup> (each House Lott to draw one sixty third part of said Township) one for the first settled minister, one for the ministry, & one for the School, as near the Center of the Town as may be with convenience; the Said Lots to contain ten or twelve Acres each as the Committee Shall best Judge said House Lots to be adjoyning: and also that said Committee be

Legislative  
 Records of the  
 Council, xix.,  
 157. Mass.  
 Archives, cxv.,  
 634.

Mass.  
 Archives, cxv.,  
 566. House  
 Journal,  
 pp. 171, 172.

<sup>1</sup> The words, "at Hoosuk," are omitted in the House Journal, p. 171.

directed to lay out such Highways Streets & Lanes to & among the House Lots as shall be necessary & Convenient: and said Committee have Power to admit Sixty Setlers or Inhabitants into said Township each of them shall be intitled to one Sixty third part of said Township upon the Conditions following Vizt That each Settler pay to the Committee upon his being Admitted Six pounds thirteen shillings & Six pence lawfyl money for the Use of the Governm<sup>t</sup> & that he shall within the space of two Years from the time of his being Admitted, build a House Eighteen feet long, fifteen feet wide & seven feet Studd & shall fence five acres of his said House Lot, and bring the same to English Grass, or fitt it for Plowing & raising of Wheat, or other Corn, & shall actually by themselves heirs or Assigns, reside on Said House Lot five Years in seven, from the time of their being Admitted, and that they do settle a Learned Orthodox minister in said Town within the term of five Years from their being Admitted, and in case the aforesaid Conditions are not fulfilled according to the true intent & meaning thereof that then such delinquent settler or Setlers Right shall be forfeit, & revert back to the Province to be disposed of as the General Court shall & may hereafter order & Determine any thing in their Grant to the Contrary notwithstanding.

And that the said Committee be further directed to take a Bond of each Person by them admitted a settler, of the Penal sum of Fifty Pounds Money payable to the Province Treasurer, or his Successors in said Office, for the faithfull Performance of the Conditions of said Grant the said Committee to make Report of their Doings, & due Return of said Bonds to the province Treasurer as soon as may be who shall be paid for that service out of the Moneys reciev'd of the settlers, and as to the Eastermost Township, to be setled as the General Court shall hereafter order.

In Council

Read and Concurred and James Minott Esq<sup>r</sup> is join'd in the affair.  
[Passed April 6.

## CHAPTER 298.

Legislative  
Records of the  
Council, xix.,  
158.

House Jour-  
nal, p. 216.  
*Ante*, p. 369,  
chap. 265.

### ORDER IN REGARD TO EXCHANGING BILLS OF CREDIT.

*Ordered* that the Committee appointed to receive the Province Bills &c, be directed not to receive above Five thousand Pounds Old Tenor at one time from the same Person within twenty days from this time. [Passed April 6.

## CHAPTER 299.

### ORDER ALLOWING PAY AND SUBSISTENCE AS PER MUSTER ROLL, AND A FURTHER SUM OF £13. 13. 8 TO MAJOR ENOCH FREEMAN.

Legislative  
Records of the  
Council, xix.,  
158. Mass.  
Archives,  
lxxiii., 605.

Mass.  
Archives,

A MEMORIAL of Enoch Freeman Esq<sup>r</sup> setting forth his Services, as he was Chief Commander of the Forces posted in the County of York, & as he was Captain of the Battery at Falmouth, & as he raised & had the Command of the Guard that attended the Commission<sup>rs</sup> at the Treaty at Falmouth, Praying for a proper Allow-

ance for these Services; & also Pay & Subsistence for the Guard lxxiii., 604–607.  
above mentioned, & for Sundries supplied them. House Jour.  
nal, pp. 203, 217.

Read and

*Ordered* that Usual Pay & Subsist<sup>1</sup>ance] be allowed for one Month  
to fifty Men and a proper Officer to be proportion'd among the Sixty  
five Men on the Petitioner's Roll

*Ordered* also that the Sum of thirteen pounds thirteen Shillings  
and Eight pence be allowed the Pet<sup>r</sup> in Consideration of his Billet-  
ting forty Men one Week, and one Man four Weeks And Sundries  
delivered the men as per Account annexed. [Passed April 6.

## CHAPTER 300.

### ORDER ALLOWING £17. 6. 8 TO JOHN DENNIS.

A PETITION of Mr John Dennis, setting forth his Services as a Chaplain to divers Garrisons in the Eastern Parts, & the slender Allowance he has had for his Services; Praying for a further Allowance from this Court:

Read and

*Ordered* that the Pet<sup>r</sup> be allowed out of the Treasury the Sum of Seventeen pounds Six Shillings and Eight pence in consideration of his services abovementioned. [Passed April 6.

Mass.  
Archives, xii.,  
629–632. House  
Journal, pp. 23,  
212, 215. *Ante,*  
p. 85, chap.  
208.

## CHAPTER 301.

### ORDER ON THE PETITION OF WM EARL & DORCAS SMITH, ADM<sup>X</sup>, IN REGARD TO THE PARTITION OF AN ESTATE.

A PETITION of William Earl of Shrewsbury, & Dorcas Smith Widow & Administ<sup>x</sup> of James Smith late of Leicester Dec<sup>d</sup> shewing that the Petitioner William Earl & the said James Smith were equal Co-parceners in a Lot of Land in Leicester, Bearing Number 40, which remained undivided at the time of the said James's Death; that by reason of the distance of the time of the Superior Courts Sitting in the County of Worcester, & the Necessity of having a speedy Settlement of the said Smiths Estate, the Petitioners have appointed three substantial Persons to divide the said Lot;

Which they have accordingly done; a Report whereof is herewith exhibited; Praying that this Court would ratify & confirm the said Division, as contained in s<sup>d</sup> Report.

Read and

*Ordered* that the Prayer of the Pe<sup>tn</sup> be granted and that the Partition and Division of the lands herein mentioned be Established and Confirmed as by the Report herein refer'd to. [Passed April 6.

Legislative  
Records of the  
Council, xix.,  
158. Mass.  
Archives,  
xviii., 612.  
Mass.  
Archives,  
xviii., 611–614.  
House Jour.  
nal, pp. 203, 216.

<sup>1</sup> MS. mutilated.

## CHAPTER 302.

## ORDER ALLOWING 45/ TO SIMON HUNT.

Legislative  
Records of the  
Council, xix.,  
159. Mass.  
Archives, cii.,  
451.

Mass.  
Archives, cii.,  
450–452. House  
Journal,  
pp. 193, 216.

A PETITION of Simon Hunt of Concord Praying that he may be allowed a sum of Money equal to a Quantity of Bills of this Province which he lost in Concord River; which could not be recovered by any possible means.

Read and

*Ordered* that the Pet<sup>r</sup> be allowed out of the publick Treasury forty five Shillings in consideration of his Loss within mentioned. [Passed April 6.]

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## CHAPTER 303.

VOTE ALLOWING £200 TO THE LIEUTEN<sup>T</sup> GOVERNOR.

Legislative  
Records of the  
Council, xix.,  
159. Mass.  
Archives,  
xlix., 274.

House Jour-  
nal, p. 212.  
Province  
Laws, iii., 557,  
note.

*Voted* that the Sum of two hundred pounds be granted and allowed to be paid out of the publick Treasury to the Hon<sup>ble</sup> Spencer Phips Esq<sup>r</sup> Lieut<sup>t</sup> Gov<sup>r</sup> and Commander in Chief in consideration of his past Services in that important Station. [Passed April 6.]

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## CHAPTER 304.

## ORDER IMPOWERING ANN PRESCOT, GUARDIAN, TO SELL LAND.

Legislative  
Records of the  
Council, xix.,  
159. Mass.  
Archives,  
xviii., 617.

House Jour-  
nal, p. 219.  
Province  
Laws, ii., 151,  
chap. 10. *Ante*,  
p. 252, chap.  
311.

A PETITION of Ann Prescot Widow of John Prescot late of Concord Esq<sup>r</sup> Dec<sup>d</sup> & Guardian to his Children, setting forth the Insufficiency of the Income of the Deceaseds Estate for the Maintenance & Education of his Children; & therefore Praying that she may be empowered by this Court to sell a Lot of ten Acres, particularly described in the Petition, the Produce to be employed for the Uses aforesaid.

Read and

*Ordered* that the Prayer of the Petition be granted and the Petitioner is hereby allowed and empowered, in her Said Capacity, to make Sale of the ten Acres of Land withinmentioned, and to execute, in due form of Law, a Deed for conveyance thereof, to Such Person as Shall give most for the Same; and that She dispose of the Produce thereof for the Support and education of the deceased's Children: Provided that before any Such Sale be made She Observe the directions of the Province Law made in the Sixth year of his late Majesty King George the first relating to Executors or administrators Sale of Real Estates; and give Sufficient Security to the Judge for Probate of Wills &c for the County of Middlesex for the faithful discharge of her Trust and to render an Account of her Proceedings when thereto lawfully required. [Passed April 7.]

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is April 7.

## CHAPTER 305.

## ORDER IMPOWERING NATH'L WHITTAMORE, GUARDIAN, TO EXECUTE A DEED OR DEEDS.

A PETITION of Nathaniel Whittamore, Guardian of Isaac Miriam of Concord, shewing that the said Isaac is interested in certain Lands which he holds in Common & Undivided with some of his Relations, that it will be much for the Advantage of the said Minor to have his Interest therein sold; Therefore Praying that he may be impowered by this Court to sell the same

Read and

*Ordered* that the Pet<sup>r</sup> be and hereby is Impowered to make and execute a good Deed or Deeds of the Land within mentioned. Provided the Pet<sup>r</sup> observes the directions of the Law with respect to the sale of Intestate Estates and gives Caution to the Judge of Probate for the County of Middlesex that the Produce belonging to the said Minor be properly Secured to him. [Passed April 7.

Legislative Records of the Council, xix., 160. Mass. Archives, xviii., 619.

Mass. Archives, xviii., 618. House Jour. nat, pp. 193, 219. Province Laws, ii., 151, chap. 10.

## CHAPTER 306.

## ORDER ALLOWING £2. 10 TO JOHN SAWEN AND £1. 6. 3 TO THOMAS GREENWOOD.

A PETITION of John Sawen, shewing that in Obedience to the Order of this Court he took a Valuation of the rateable Estate in the Precinct of Natick; the Charge of which the Inhabitants refuse to pay; Therefore Praying that he may be allowed £2. 10 for the same by this Court:

Read and

*Ordered* that there be allowed out of the publick Treasury to the Rep<sup>re</sup> of Brookline the Sum of two pounds ten Shillings new tenor for the Use of the Pet<sup>r</sup> And that said Sum be added to the next Province Tax impos'd upon the Parish of Natick

Legislative Records of the Council, xix., 160. Mass. Archives, cv., 379.

Mass. Archives, cv., 378. House Journal, p. 204. Ante, p. 131, chap. 333.

*Ordered* also that there be allowed to Thomas Greenwood Esq<sup>r</sup> for Moderating by order of this Court at a Parish Meeting in s<sup>d</sup> Natick the Sum of One pound Six Shillgs & three pence new tenor and that the said Sum be added to their next Province Tax. [Passed April 7.

## CHAPTER 307.

## ORDER GRANTING TO JOHN BRADSHAW LICENCE TO KEEP A TAVERN.

A PETITION of John Bradshaw of Medford shewing that he has been a Inn Holder in Charlestown for many years, but has lately removed to Medford, where he has purchased a House very convenient for an Inn or Tavern, Praying that the Court of General Sessions of the Peace for the County of Middlesex may be impow- ered to Licence him to keep a Tavern.

Legislative Records of the Council, xix., 160. Mass. Archives, exi., 200.

Mass. Archives, exi., 199. House Journal, p. 216.

Read and (Inasmuch as the Pet<sup>r</sup> has obtain'd the approbation of the Select Men of the Town of Medford)

*Ordered* that the Justices of the General Sessions of the Peace for the County of Middlesex be and they hereby are allowed and impowerd at their next Sitting (if they see cause) to grant the Pet<sup>r</sup> a Licence to keep a Tavern the time for granting Licences being Elapsed notwithstanding. [Passed April 7.]

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## CHAPTER 308.

### ORDER ALLOWING SUBSISTENCE AND EXPENSES OF SOLDIERS TO COLL EDW<sup>D</sup> EVELITH.

Legislative Records of the Council, xix., 160. Mass. Archives, lxxiii., 519.  
Mass. Archives, lxxiii., 518—524; cclxxxiii., 58. House Journal, pp. 58, 65, 218.

A PETITION of Edward Evelith Esq<sup>r</sup> shewing that after the Reduction of Cape Breton, he had the Command of the Garrison at Canso, & was put to great Charge for subsisting them with other Expence for the publick Service Praying for a Reimbursement of his Expences & Allowance for his Services.

Read and

*Ordered* that the Pet<sup>r</sup> be allowed pay for the Usual Subsistence of the Persons mentioned in the Pet<sup>r</sup> being in the whole five hundred and Nine Days

*Ordered* also that He be allowed his Account of the Expences of twenty Six Gallons of Rum Twelve Gallons & three quarts of Molasses and ten pounds of Sugar. [Passed April 7.]

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## CHAPTER 309.

### ORDER IMPOWERING ELIS<sup>A</sup> TILTON, ADMINISTRATRIX, TO EXECUTE A DEED.

Legislative Records of the Council, xix., 161. Mass. Archives, xviii., 593.  
Mass. Archives, xviii., 592. House Journal, pp. 215, 213.

A PETITION of Elisabeth Tilton Widow & Administ<sup>x</sup> of Abraham Tilton late of Hopkinton Dec<sup>d</sup> shewing that her Husband, in his Life time, purchased a Tract of Land in Partnership with his Brother Samuel Tilton, who soon after died; that the said Abraham enter'd into an Obligation to make good to his Brothers Heirs what he had advanced more than his Share but the Petitioner has since her Husband's Decease gotten a Piece of Land containing twenty six Acres & an half laid out & apprized for discharging said Obligation Praying that she may be impowerd by this Court to execute a good Deed of Conveyance thereof to the said Heirs

Read And

*Ordered* that the petitionor Eleasabath Tilton be and She is hereby Impowerd to make and Execute A Good and Lawfull Deed of the twenty six aers and an halfe of Land with in Mentiond to the Heirs of the within Named Samuel Tilton deceasid in Consideration of the Obligation within mentiond Which Deed So made and Executed shall be deemd valied in Law for Conveying the premises the suppos<sup>d</sup> Incapacity of y<sup>e</sup> peti[ti]onor Notwithstanding. [Passed April 7.]

## CHAPTER 310.

ORDER ALLOWING £5 TO BENJ<sup>A</sup> LOVELL.

A PETITION of Benjamin Lovel, setting forth his Sufferings by reason of the Wounds which he received from the Indian Enemy while in the publick Service, Praying for some Allowance from this Court for his Relief.

Read and

*Ordered* that the Pet<sup>r</sup> be allowed out of the publick Treasury five pounds in consideration of his Sufferings abovementioned.<sup>1</sup> [Passed April 7.

Legislative Records of the Council, xix., 161. Mass. Archives, lxxiii., 665.

House Jour-nal, pp. 215, 218.

## CHAPTER 311.

## ORDER ALLOWING £5 TO CAPT. ISRAEL BAILEY.

A PETITION of Israel Bailey a Captain in the late Expedition against Cape Britain, Praying for some Allowance from this Court in Consideration of his Sufferings by means of a long Sickness he contracted in the said Service.

Read and

*Ordered* that the Pet<sup>r</sup> be allowed out of the publick Treasury five pounds for his present Relief. [Passed April 7.

Legislative Records of the Council, xix., 161. Mass. Archives, lxxiii., 656.

Mass. Archives, lxxiii., 656. House Jour-nal, pp. 199, 218.

## CHAPTER 312.

## ORDER IMPOWERING THE TOWN OF BOSTON TO PURCHASE A BOAT FOR THE USE OF THE HOSPITAL ON RAINSFORD ISLAND.

A PETITION of James Hamilton Keeper of the Hospital on Rains-fords Island Setting forth the Difficulties the Sick are put to for want of a Boat to ply between the said Island & the Town, Pray-ing that a proper Boat may be allowed.

Read and

*Ordered* that the Select Men of the Town of Boston be and they hereby are Impowered and Directed to Purchase a Boat for the Use of the Hospital on Rainsford Island the Sum for that purpose not to Exceed forty five pounds. The said Boat to be the property of the Province, and be kept for the purposes abovementioned. [Passed April 7.

Legislative Records of the Council, xix., 161. Mass. Archives, lxxvii., 290<sup>a</sup>.

Mass. Archives, lxxvii., 289. House Jour-nal, p. 218.

<sup>1</sup> On April 13, 1750, the following order was passed, viz.:—

“*Ordered* that Coll. Otis be allowed to take out of the publick Treasury the sum of Five Pounds granted to Benjamin Lovel the seventh Instant, for the Use of the said Lovel.”—Legislative Records of the Council, xix., 167.

## CHAPTER 313.

Legislative  
Records of the  
Council, xix.,  
159. Mass.  
Archives,  
cxxxvi., 123.  
  
House Jour-  
nal, p. 210.  
*Ande*, p. 369,  
chap. 265;  
p. 371, chap.  
267.

ORDER APPOINTING ADDITIONAL MEMBERS ON THE COMM<sup>TEE</sup> FOR EXCHANGING BILLS OF CREDIT.

In the House of Rep<sup>ves</sup>

*Order'd*, That Roland Cotton, & Richard Bill Esq<sup>r</sup> with Such Gentlemen as the Hon<sup>ble</sup> Board shall Join, be added to the Committee for receiving the Bills of Credit of this Province & No more than Six to sit at one & the same time

In Council Read & Coneur'd & Samuel Watts Esq<sup>r</sup> is Joined in the Affair. [Passed April 9.<sup>1</sup>]

## CHAPTER 314.

## ORDER ALLOWING £8 TO JOHN FITCH.

Legislative  
Records of the  
Council, xix.,  
162. Mass.  
Archives,  
lxxiii., 610.

Mass.  
Archives,  
lxxiii., 609.  
House Jour-  
nal, pp. 201, 202,  
221.

A PETITION of John Fitch of Lunenburgh, setting forth his Loss & the Sufferings of himself & Family by reason of their being surprized & captivated by the Indian Enemy & his House & all therein bnrbnt & destroyed by them Praying for some Relief from this Court:

Read and

*Ordered* that there be allowed out of the publick Treasury to the Pet<sup>r</sup> or his Order Eight pounds in consideration of his Sufferings within mentioned. And to Enable him to Resettle himself and Family on His Plantation. [Passed April 9.]

## CHAPTER 315.

Legislative  
Records of the  
Council, xix.,  
162. Mass.  
Archives,  
lxxviii., 2.

Mass.  
Archives,  
lxxviii., 1.  
House Jour-  
nal, p. 222.  
Province  
Laws, iii., 560,  
note.

## ORDER REFERRING THE NEWBURY PETITION FOR A LOTTERY TO BUILD A BRIDGE.

A PETITION of Daniel Farnham in behalf of the Town of Newbury setting forth the publick Benefit of having a Bridge built at the Place called Old Town Ferry, And Praying that a Lottery may be set up to defray the Charge of it.

Read and

*Ordered* that the further Consideration of this Petition be referd till May Session. [Passed April 9.]

## CHAPTER 316.

## ORDER GRANTING TO NATHAN BALDWIN LICENCE TO KEEP A TAVERN.

Legislative  
Records of the  
Council, xix.,

A PETITION of Nathan Baldwin, shewing that he has lately hired a House in Charlestown, which has for divers years been Licenced

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is April 7.

for a Tavern, & lately possessed by John Bradshaw, & Praying that this Court would empower the Court of General Sessions of the Peace for the County of Middlesex, at their next Meeting, to grant the Petitioner a Licence to keep Tavern in the said House:

Read and

164. Mass.  
Archives, exi.,  
198.

Mass.  
Archives, exi.,  
197. House  
Journal, p. 224.

*Ordered* that the Justices of the Gen<sup>l</sup> Sessions of the Peace for the County of Middlesex be allowed and empowered (if they see cause) at their Adjournment on the 17<sup>th</sup> Curr<sup>t</sup> to grant the Pet<sup>r</sup> a Licence to keep a publick House of Entertainment (He first obtaining the approbation of the Select Men of Charlestown) the time for granting Licences being elapsed notwithstanding. [Passed April 12.]

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## CHAPTER 317.

### ORDER OF NOTICE WITH STAY OF PROCEEDINGS ON THE PETITION OF JEREM<sup>A</sup> EATON IN REGARD TO A PRIVATE WAY.

A PETITION of Jeremiah Eaton of Needham, shewing that there is a Controversy in the Court of General Sessions of the Peace for the County of Suffolk between the Petitioner & Robert Cook referring to a private Way, laid out for the Petitioner thrô the said Cooks Land, that the Petitioner apprehends he has been unjustly treated therein, by the Sheriff, in impanneling the Jury, Praying that the Court may be directed to hear the said Case at the next Term; & that all Proceedings referring to the said Way may be stayed in the mean time.

Read and

Legislative  
Records of the  
Council, xix.,  
165. Mass.  
Archives,  
xliii., 452

Mass.  
Archives,  
xliii., 449.  
House Jour-  
nal, p. 224.

*Ordered* that the Pet<sup>r</sup> serve Robert Cooke within named with a copy of this Pet<sup>n</sup> that He shew cause if any He have on the second fridday of the next May Session why the Prayer thereof should not be granted And all Proceedings relating to said affair are Stayed in the mean time. [Passed April 12.]

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## CHAPTER 318.

### ORDER DIRECTING THE COMMISSARY GENERAL TO PURCHASE GOODS FOR THE INDIAN TRADE.

HIS HONOUR the Lieuten<sup>t</sup> Governor sent down to the House, by the Secretary, a Letter, sent by Cpt. Jonathan Bane to the Commissary General, to inform him of divers Particulars, which the Indians desired might be sent to the Truck House on Saco River, for their Supply in the way of Trade

Legislative  
Records of the  
Council, xix.,  
165. Mass.  
Archives,  
exix., 428.

Read and

*Ordered* that the Commissary Gen<sup>l</sup> be directed to purchase the above mentioned Goods and Send them by the first conveyance to the above named Jonathan Bean for the Uses mentioned.<sup>2</sup> [Passed April 12.]

<sup>1</sup> *Sic.*

<sup>2</sup> Not found in the House Journal.

## CHAPTER 319.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE IN REGARD TO  
THE FALM<sup>o</sup> BRIDGE.

Legislative  
Records of the  
Council, xix.,  
53, 170.

Mass.  
Archives,  
cxxi., 268.  
House Jour-  
nal, pp. 73, 141,  
222, 226.

A PETITION of the Select men of Falmouth in the County of York, shewing that the said Town has applied to the Court of General Sessions for said County, that a Bridge erected a cross a River in said Town called Fore River, which is gone greatly to Decay, & the Charge of repairing it is more than the said Town is able to defray, may be repaired & kept in Repair, in part, at the Charge of the County; which the said Court refused to grant; Therefore Praying that this Court would Order the said County of York to repair the said Bridge.

The Committee on the Petition of Ezekiel Cushing & others, Select men of Falmouth, have considered the same, & are humbly of Opinion that the Bridge mentioned in the said Petition be repaired at the Charge of said Town of Falmouth only, & that said Town be empowered by this Hon<sup>ble</sup> Court, to receive a Toll, during the Term of five years, from all Persons & Carriages that pass over said Bridge at the following Rates; viz, For every Person, One penny; For every Man & Horse, Three pence; For every Horse & Chaise, or Horse & Chair, Four pence, For each Cart & Horse or Oxen, Six pence; & for each Sled or Slay, Three pence: Provided nevertheless, that the Inhabitants of the Town of Falmouth be exempt from paying the Toll aforesaid; Provided also, that if the said Town of Falmouth shall within eighteen months cause to be built a sufficient Bridge a cross the River, above the Bridge refer'd to in the Petition, or such Part of the said River as shall be approbated by the Court of Sessions for the County, as convenient for a publick Road or High way to & from the same; then the aforesaid Toll shall cease, & the said Town shall be freed from all Obligation to maintain the Bridge refer'd to in the Petition for the future: All which is humbly submitted

Jos. WILDER

Read &

*Ordered* that this Report be Accepted. [Passed April 12.<sup>1</sup>

Legislative  
Records of the  
Council, xix.,  
166. Mass.  
Archives,  
xliii., 146.

House Jour-  
nal, pp. 209, 210,  
227. *Ante*,  
p. 318, chap.  
143.

## CHAPTER 320.

## ORDER REDUCING THE GUARD AT YORK GOAL.

*Ordered* that Pay and Subsistance be allowed to three men only to Guard the Goal in York after the 20<sup>th</sup> of this Instant. April. [Passed April 13.]

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is April 16.

## CHAPTER 321.

## ORDER ALLOWING £26. 13. 4 TO JNO LARRABEE.

A PETITION of John Larrabee Lieuten<sup>t</sup> of his Majestys Castle William, setting forth the Insufficiency of his Pay for his Support, & Praying that this Court would grant some further Allowance for his Service.

Read and

*Ordered* that the Sum of twenty six pounds thirteen Shillings and four pence be granted and allowed out of the publick Treasury to John Larrabee the Pet<sup>r</sup> Lieut<sup>t</sup> of His Maj<sup>es</sup> Castle W<sup>m</sup> in consideration of his extraordinary Service the last year. [Passed April 13.

Legislative Records of the Council, xix., 166. Mass. Archives, lxxiii., 666.

Mass. Archives, xciii., 33. House Journal, pp. 224, 227.

## CHAPTER 322.

ORDER ACCEPTING THE REPORT OF THE COMMISS<sup>E</sup>S IN REGARD TO THE BOUNDARY LINE ON RHODE ISLAND COLONY.

WE THE SUBSCRIBERS, appointed & Commissioned by & on the part of said Province to run & renew the Northern Boundary Line of the Colony of Rhode Island, where it borders on said Province, from the Station set up & agreed upon by Nathaniel Woodward & Solomon Saffry in the Year 1742, & according to the Charter of said Colony, & the Agreement of the Commission<sup>rs</sup> enter'd into in behalf of said Governments upon the tenth day of January 1710, 11; met with the Gentlemen appointed on the part of said Colony, for that purpose at the House of M<sup>r</sup> Peletiah Man in Wrentham the tenth Instant, & spent a part of that & the next Day in debating on said Affair with those Gentlemen, & produced said Agreement, sundry Plans &c and offered to run & renew with them said Line; But they refused to go or join with us herein, but insisted upon our going with them to a certain Placee on Charles River in Wrētham, from which they a few months since measured three miles South, & then extended a West Line with the Variation to the West Bounds of that Colony as they informed us; Which Line they claim, as their North Bounds, & is about four or five miles Northward from Woodward & Saffrys station; but they produced neither Evidence, Plan, Agreement, Record or any Writing what ever to support their Claim.

Legislative Records of the Council, xix., 166. Mass. Archives, vi., 594.

Mass. Archives, vi., 593. House Journal, p. 228. Mass. Senate Document, No. 34, 1832, p. 3. *Ante*, p. 318, chap. 145; p. 367, chap. 260.

We then proceeded to said Station; & althō we did not find any Monument of Stones or a Stake, yet by a Plan made by Woodward & Saffry, & the Courses, Ponds, Hills & Brooks therein deciphered, It appears very evident where the Station was; We were attended by a Committee of Wrētham & several elderly Men, whom we examined on the Spot, & have taken their Evidenee in Writing, whieh confirm the same. On our Return to M<sup>r</sup> Mans we found the Gentlemen of Rhode Island still there; who then desired (thō they had refused before,) that we would adjourn to a further Day in order to a second Meeting; Whieh we consented to, & have appointed the first Tuesday of October next to meet at said Mans, in case the respective Governm<sup>ts</sup> consent thereto. We are humbly of Opinion that it is very necessary that the Evidences refer'd to be taken in Perpetuum, as soon as may be, the Persons being elderly,

& may be of Consequence, in case we should not finally agree on running or renewing the Line. All w<sup>ch</sup> is humbly submitted

JOHN CHANDLER  
JAMES OTIS  
JOSEPH HEATH

Read and accepted, and

*Ordered* That the Commissioners on the behalf of this Province, meet with those of the Colony of Rhode Island at the time and place within mention'd; And that the Said Commissioners cause the Affidavits refer'd to in the Report, as also Such others as may give light in the Affair, to be taken in perpetuam Rei Memoriam accordingly. [Passed April 13.]

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## CHAPTER 323.

### ORDER DECLARING ILLEGAL THE PROCEEDINGS AT A PARISH MEETING IN WESTBOROUGH.

Legislative Records of the Council, xix., 153. Mass. Archives, exv., 629.

Mass. Archives, exv., 628–633. Legislative Records of the Council, xix., 167. House Journal, pp. 212, 227.

A PETITION of Josiah Rice & others of the second Precinct in Westborō, Complaining of the irregular & illegal Managements of the Precinct Committee at a Parish Meeting held in Novem<sup>r</sup> last, & Praying that all Proceedings in said Meeting may be set aside & declared null & void.

Read together with the Answer of James Eager & others, & the Matter being fully considered,

*Ordered* that the Prayer of the Petition be granted and that all the Proceedings at the Meeting within refer'd to, be & hereby are superseded & set aside accordingly. [Passed April 13.]

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## CHAPTER 324.

### ORDER ALLOWING THE ACC'T OF THE TREAS<sup>R</sup> OF DUKES COUNTY.

Legislative Records of the Council, xix., 167. Mass. Archives, cxlvii., 183.

Mass. Archives, cxlvii., 183. House Journal, pp. 9, 223. Ante, p. 184, chap. 121.

AN ACCOMPT presented by Enoch Coffin Esqr Treasnrer of Dukes County for the Year 1747, of sundry Charges omitted in his former Accompt; Having been laid by him before the Court of Gen<sup>t</sup> Sessions of the Peace for said County, & by them Allowed;

Read and

*Ordered* that the within Acc<sup>t</sup> be allowed and the Ball<sup>a</sup> thereof being One pound twelve shillings and Eight pence the County is accountable to s<sup>d</sup> Treasnrer for. [Passed April 13.]

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## CHAPTER 325.

### ORDER ALLOWING £1. 6. 10 TO PARKER LOMBARD.

Legislative Records of the Council, xix., 167. Mass. Archives, lxxiii., 579.

A PETITION of Parker Lombard, shewing that he, being a Soldier in the Service of the Province, at Topsham, the Garrison House where he was posted was burnt down, whereby he lost a great part of his Cloaths, his Gun, & Bills of this Province of the

Old Tenor, to the Value of Nine Pounds, Praying that his Loss may be made good to him out of the publick Treasury.

Read and

*Ordered* that the Sum of One pound Six Shillings and ten pence be allowed out of the Treasury to the Hon<sup>ble</sup> Sylvanus Bourn Esq<sup>r</sup> for the Use of the Pet<sup>r</sup> in consideration of the Loss within mentioned. [Passed April 13.]

Mass.  
Archives,  
lxxiii., 578.  
House Jour-  
nal, pp. 164, 227.

## CHAPTER 326.

### ORDER ALLOWING £6. 13. 4 TO JONATH. STANHOPE.

A PETITION of Jonathan Stanhope of Sudbury Praying for an Allowance out of the publick Treasury, for Wounds he received when he was in the Service of the Province, whereby he is much disabled from Labour.

Read and

*Ordered* that the Sum of Six pounds thirteen Shillings and four pence be allowed out of the Treasury to Col<sup>o</sup> Buckminster for the Use of the Petitioner for his present Relief. [Passed April 13.]

Legislative  
Records of the  
Council, xix.,  
168. Mass.  
Archives,  
lxxiii., 659.

Mass.  
Archives,  
lxxiii., 659.  
House Jour-  
nal, p. 227.

## CHAPTER 327.

### ORDER DIRECTING THE COMMISSARY GENERAL TO SUPPLY CAPT. BRADBURY WITH GOODS FOR THE INDIANS.

S<sup>t</sup> Georges April 9<sup>th</sup> 1750

[John Wheelwright, Esq., Commissary General:]

Honoured Sir

I Shall want for the Truck by Cap<sup>t</sup> Sanders or som other Safe hand four hundred weight of tobacco one Cask of Goos shott & five hundred or a thousand flints, the demand for these things being greater than Usual Especialy tobacco.

Legislative  
Records of the  
Council, xix.,  
169. Mass.  
Archives,  
xxxii., 13.

House Jour-  
nal, p. 229.

Sir we in these parts think it very Strange that the Gouernment Should Seem to Delay the Trial of the wiscasik murderers & its my Oppinion if there is not Speedy Satisfaction Given to the Indians on that Account it may be atended with ill Consequences, though the Penobscots Say they dont desier the Life of any should be taken away, for that it will not bring their Dead Back again, they also Say the mischief done was not done to two or three or Ten but to a great many. what satisfaction the Narrigawocks will expect (who are more Emediatly Conerned) I know not

I am Sir your Honours most obidient Humble Servt

JABEZ BRADBURY

*Ordered* that the Commissary General be directed to Supply Cap<sup>t</sup> Bradbury with the above mentioned particulars for the Use of the Indians as soon as may be. [Passed April 16.]

## CHAPTER 328.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON YE PETITION  
OF PET. OLIVER ESQ<sup>R</sup> & OTHERS OF MIDDLEBORÔ AND REFERRING  
THE PETITION.

Legislative Records of the Council, xix., 149, 170. Mass. Archives, xiii., 118.

Legislative Records of the Council, xix., 159. House Journal, pp. 201, 218, 231.

A PETITION of Peter Oliver Esq<sup>r</sup> & others of the first Parish in Middleborô Complaining of the Managements of the Parish Committee in shutting up the Meeting house, & opposing their Ministers Preaching there, & hindering the Petitioners from attending the publick Worship there, & Praying for Redress from this Court.

The Committee to whom was refer'd the Petition of Peter Oliver Esq<sup>r</sup> & others, Inhabitants of the first Parish in Middleborô, have met & heard the Parties, & considered their Case; & thereupon Report, that the said Parish have been greatly to blame for shutting up & keeping fast the Doors of said Parish Meetinghouse, & thereby excluding their Minister & the People from the Exercise of the publick Worship of God there; Which we apprehend they can by no means justify; And inasmuch as it appeared from the Parties & their Papers given in to us That no Provision has been made by said Parish for Payment of said Ministers Salary for several years, & that the said Parish had lately proceeded (without a Church Meeting, or any Advice of a Council of Churches or Agreement with said Minister,) to Vote him a Dismission; Which we look upon to be contrary to the Constitution of these Churches & wholly irregular; & Are of Opinion That this Petition be refer'd to the next Session of this Court; And that it be recommended to the Parties, & their Minister in the mean time to endeavour an Accommodation among them selves by a mutual Council; And that the said Meeting house Doors for the future be not shut against the said Minister & People: All which is humbly submitted,

By JOHN CUSHING per Order.

Read &

*Ordered* that this Report be & hereby is Accepted, & yt the Consideration of this Petition be refer'd to the next May Session Accordingly. [Passed April 16.

## CHAPTER 329.

ORDER ON YE REPORT FOR THE SETTLEM<sup>T</sup> OF NARRAGANSET TOWNSHIP NUMBER TWO.

Legislative Records of the Council, xix., 109, 170.

Legislative Records of the Council, xix., 169. House Journal, pp. 215, 229, 230.

A PETITION of the Inhabitants of the Township called Narraganset Number Two, Complaining of the Non resident Proprietors for their not Settling upon their Lots, nor sending others to settle there, & for their not paying their Part of the Charge of the Support of the Ministry, & other necessary Expences of the said Town, Complaining also of the Committee for said Township, for not levying these Charges on the Delinquent Lots of Lands, & Praying that this Court would order that their Proprietary Meetings may be held within their Town; & that the delinquent Proprietors may be obliged forthwith to settle their Lots & pay their Dues or that the Petitioners may be otherwise relieved, as this Court shall order.

The Committee appointed to take under Consideration the Peti-

tion of Philip Bemus & others & to make Report, Having fully considered the same, Are of Opinion that a Committee for the purposes hereafter mentioned be chosen by this Court in their present Session; & that said Committee on the first Wednesday in January next, or as soon after as may be, repair to Narraganset Number Two, & view the Settlement there made; And the said Committee are fully authorized, & are required to commence & prosecute to Effect, a Suit & Suits in behalf of the Province, against any & every Person or Persons whom it concern for recovering the Possession of all such Lots or Shares as shall not be settled, agreeable to the Terms or Conditions of the Grant of said Township; And the said Committee are empowered to agree with such Person or Persons as shall appear to purchase the same, & will engage, in a reasonable time to bring forward a Settlement thereof, for all such Lots or Shares, Possession of which shall be recovered as aforesaid; And as soon as such Person or Persons shall have complied with the Terms of their Agreement respectively, the said Committee are hereby authorized & required to give a good & sufficient Deed or Deeds of Conveyance of all & any such Lots or Shares; & the Produce thereof they are required to pay into the Province Treasury. The Committee are also of Opinion That the Proprietors of Narraganset Number Two be obliged to hold all their future Meetings within the Bounds of said Township. The Committee are further of Opinion that it is necessary an Act should pass this Court, Enabling Courts of General Sessions of the Peace to give Relief to Ministers in new Townships where the Inhabitants fail of their Contracts, in such manner as may be directed or prescribed in said Act. All which is humbly submitted.

Per Order of the Comm<sup>tee</sup> Jos. WILDER

In Council; Read &

*Ordered* that this Report be & hereby is Accepted; & that John Chandler Esq<sup>r</sup> with such as the Hon<sup>ble</sup> House shall join, be a Committee for performing the Services in this Report first mentioned; And that Samuel Danforth Esq<sup>r</sup> with such as the House shall join be a Committee to prepare the Draught of a Bill, Agreeable to the last Paragraph in the Report: In the House of Represent<sup>y</sup> es Read & Concur'd; & Major Curtis & Major Lawrence are joined with John Chandler Esq<sup>r</sup> & Coll. Otis & Coll. Choat are joined with Samuel Danforth Esq<sup>r</sup>. [Passed April 16.]

## CHAPTER 330.

### ORDER ALLOWING £22. 10 TO WILLIAM SALTER AND ESTABLISHING THE COMPENSATION FOR KEEPING THE POWDER HOUSE.

A MEMORIAL of William Salter, Keeper of the Powder-House in Boston, representing his Services in that Capacity, and praying an Allowance.

Read and

*Ordered* that the Memorialist in making up his Accompt with the Province be allowed to Charge Twenty two pounds ten Shilling's Bills of the last Emission per Annum for his time & Service as Keeper of the Powder House from July. 7. 1746 to the 31<sup>st</sup> of March last. And that the Establishm<sup>t</sup> and Pay to the Keeper of the Powder House in Boston be twelve pounds Lawful Money per Annum from the first of April Instant till the further Order of this Court. [Passed April 17.]

House Journal,  
Mass.  
Archives,  
lxxiii., 664.

House Journal,  
p. 231.

## CHAPTER 331.

## ORDER FOR AN INQUIRY INTO THE EXCHANGE OF NEW HAMPSHIRE BILLS OF CREDIT.

Legislative Records of the Council, xix., 172. Mass. Archives, cxxi., 269.

House Journal, p. 232. Province Laws, iii., 122, chap. 18.

IT HAVING BEEN REPRESENTED to this Board that a Servant of John Storer Esqr of Wells had been compell'd by one of the Ferry men at Newbury to receive Bills of the Government of New Hampshire in Exchange for Bills of this Province in violation & contempt of the Laws of this Government

*Order'd* that the Attorney General be directed to make Enquiry into this Affair and to cause any Person or Persons against whom sufficient Evidence shall appear to be prosecuted for the Breach of Law aforesaid. [Passed April 17.]

## CHAPTER 332.

ORDER FOR SELL<sup>g</sup> STORES IN YE COMMISS<sup>VS</sup> HANDS.

Legislative Records of the Council, xix., 172. Mass. Archives, lxxiii., 672.

House Journal, p. 232.

*Ordered* that John Wheelw[r]ight Esq<sup>r</sup> Mr Speaker and M<sup>r</sup> Allen be directed to Cause all the Stores provided for the carrying on the late War, now in the Commissary's Hands, to be Sold at a publick Vandue, as soon as may be, for the advantage of the Province the produce to be Lodged in the publick Treasury. [Passed April 17.]

## CHAPTER 333.

## RESOLVE AND ORDER IN REGARD TO THE TAXES OF THE TOWN OF SALEM.

Legislative Records of the Council, xix., 172. Mass. Archives, cxv., 583.

House Journal, pp. 219, 225, 230.

IT APPEARING the Assessors of the Town of Salem in Makeing there Assessment for the year 1749 Estimated the Capitall Stock any Person had in Trade as also the principle of money att Interest as well as the probable Income of the former & Lawfull Interest of the Latter and from a Miss-Apprehention of the Law for Assessing Estates Contrary also to the practice of other Towns rais'd the Tax on both. whereas by Law itt Ought to have been Laid on the probable Income & Lawfull Interest only whereby Great Inequality Arises to many persons in said Town

Wherefore

*Resolved* that the said Assessment be and itt is hereby declared unlawfull voy'd & of none Effect and the Collectors to whom warrants have been given for Collecting the Same are hereby forbidden to proceed any further in gathering or Collecting said assessment, AND they are hereby required forthwith to pay into the Treasurer of said Town of Salem all Such money's as they have received in Consequence of such warrants whether of province Town or County taxes and to Deliver up to the said Treasurer the Respective rate List with Credit to Each mans name of what he has pay'd

*Resolved* Further And itt is hereby

*Order'd* that the Assessors of said Town for the year 1750 in make-

ing their Assessment for this present year shall also assess ye said Town of Salem for the whole sum of province Town & County Charges that they were assess'd in the year 1749 Over & above what they are to be assess'd the present year, and in takeing their list for Assessment shall only Tax the probable Income of Trading Stock And the Lawfull Interest of Money, all other Estate to be Assess'd as the Law directs, And the province Treasurer is hereby Impowred and Directed to Send out Warrants to the Collectors of said Town of Salem for the year 1750 Requiring them to Collect the said province Tax Assess'd on said Town in 1749 and the said Assessors for 1750, as also the Clerke of the Peace of the County of Essex is alike Impowred to Issue their Respective Warrant to the last Mentioned Collectors requiring them to Collect the Town & County Taxes that are to be assess'd as aforesaid And Each the Collectors are required in Collecting Such assessment to give Creditt to any Person born on his rate list so much as itt Appears he has pay'd of the Taxes of the year 1749 and if any person has pay'd more on the said Tax of 1749 then the whole that he may be Rated for province Town & County Tax in the year 1750 as aforesaid he shall be refunded the overpluss by the said Town Treasurer and in Case itt should so happen that by reason of this Creditt or discount that Either of the Collectors shall give for the Moneys paid on the Tax of ye Year 1749 he shall not Collect Sufficient to discharge the Sums Sett in his province Town & County warrants Respectively to Collect the said Town Treasurer shall on Demand pay to Such Collectors out of the money he has receiv'd as aforesaid Such Sums as may Enable him to Discharge The said Sum in his said Warrant Respectively. [Passed April 17.]

## CHAPTER 334.

### ORDER IMPOWERING THE JUDGE OF PROBATE FOR THE COUNTY OF BRISTOL TO PROVIDE FOR THE SETTLEMENT OF THE ESTATE OF PHILLIP WALKER.

[A PETITION of Jeremiah Allen, Ann his wife Executrix of the Estate of Phillip Walker, deceased, Oliver and Phillip Walker, sons of deceased, praying for a division of said Estate.]

Mass.  
Archives,  
xviii., 605.

Read and in Answer,

Mass.  
Archives,  
xviii., 604–608.  
House Jour-  
nal, pp. 109, 221.

*Ordered* that the Judge of Probate for the County of Bristol be and He hereby is Impowered To appoint Five Freeholders in s<sup>d</sup> County & Administer An Oath to them To make a Division of the remain'g part of ye Real Estate mentiond in this Petition To & Among The s<sup>d</sup> Dec<sup>ds</sup> Children So yt Each of s<sup>d</sup> Children may have & hold Such a proportionable part Thereof as ye s<sup>d</sup> Dec<sup>d</sup> Intended they should have by his will afores<sup>d</sup>. In ye whole of ye real Estate Devised to them by his will afores<sup>d</sup>. [Passed April 18.]

## CHAPTER 335.

## ORDER ALLOWING A GUN TO AMOS UPTON.

Legislative Records of the Council, xix., 174. Mass. Archives, lxxiii., 674.  
House Journal, p. 10.

*Ordered* that the Commissary Gen<sup>t</sup> be directed to deliver to Cap<sup>t</sup> Eaton a good Gun out of the Province Store for the Use of Amos Upton of Reading in consideration of that which was Lost by his Apprentice William Bickford in the Service of the Province. [Passed April 18.]

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## CHAPTER 336.

Legislative Records of the Council, xix., 174. Mass. Archives, lxxiii., 673.  
House Journal, p. 235.

*Voted* that His Hon<sup>r</sup> the Leint<sup>r</sup> Governoour be desired to Cause the Guns of the Royal Battery at Castle William to be dismantled in order to preserve the Carraiges under Cover from the Injury of the Weather. [Passed April 18.]

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## CHAPTER 337.

## ORDER ALLOWING £100 TO THE COMMITTEE ON THE REPAIRS TO CASTLE WILLIAM.

Legislative Records of the Council, xix., 174. Mass. Archives, lxxiii., 577.  
Mass. Archives, lxxiii., 577.  
House Journal, pp. 232, 235.  
Province Laws, xiii., 109, chap. 230; 121, chap. 261.

A MEMORIAL of John Jeffries Esq<sup>r</sup> for himself & the rest of the Committee appointed by the General Court, in the Year 1742, to take Care of the Repairs of Castle William & for erecting the new Works there, shewing that they have diligently attended the said Business till this present time, And therefore Praying that this Court would consider their Services, & make them some suitable Allowance for the same

Read and

*Ordered* that the Sum of One hundred pounds be allowed the within mentioned Committee in full Consideration for their Service.

And that the Sum be proportion'd. among them according to their several Services. [Passed April 18.]

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## CHAPTER 338.

## ORDER ESTABLISHING THE PAY AND SUBSISTENCE OF THE GUARD AT THE YORK COUNTY GOAL.

Legislative Records of the Council, xix., 174. Mass. Archives, xliii., 318.  
Mass. Archives, xliii., 317, 319.  
House Journal, p. 235.  
*Ante*, p. 388, chap. 320.

A MEMORIAL of Coll. Jeremiah Moulton, shewing that by Order of his Honour the Lienten<sup>r</sup> Governor, he placed a Guard of nine Men at the Goal in the County of York; six of which are ordered to be dismiss'd on the 20<sup>th</sup> Instant, Praying that this Court would make an Allowance for their Service from the 11<sup>th</sup> Day of January last (when they first enter'd upon the Service) to the 20<sup>th</sup> Instant the Time appointed for their Dismission.

Read and

*Ordered* that there be allowed out of the publick Treasury to

each of the Nine Men within mentioned from January 11<sup>th</sup> last to the 20<sup>th</sup> of April Currant at the rate of twenty Shillings per Month as Wages. And Six Shillings per Week for their Subsistance.  
 [Passed April 18.]

## CHAPTER 339.

### ORDER ON THE PETITION OF SAMUEL AND PENELOPE DARLING IN REGARD TO THE DIVISION OF AN ESTATE.

A PETITION of Samuel Darling & Penelope his Wife (late Widow of Noah Butterworth late of Rehoboth Dec<sup>d</sup>) together with the Guardians of the Sons of the said Noah & the Husbands of his Daughters, shewing that by Order of Nathaniel Blagrove Esq<sup>r</sup> late Judge of the Probate of Wills for the County of Bristol (& now Deceased) a Division was made of the Estate of the said Noah, by Persons appointed by the said Judge, & soon after returned into the Registers Office, but not recorded, Praying that the present Judge of Probate for said County may be impowered to allow of the said Division, & that it may be put upon Record in the Registry of Probate for said County.

Read &

*Ordered* that the Prayer of the Petition be granted & George Leonard Esq<sup>r</sup> present Judge of Probate for the County of Bristol is impowered to allow of the Division within mentioned, & to order the Same to be recorded in the Registry of Probate for s<sup>d</sup> County.  
 [Passed April 18.]

Legislative Records of the Council, xix., 174. Mass. Archives, xviii., 616.

Mass. Archives, xviii., 615. House Journal, p. 234.

## CHAPTER 340.

### ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF ANDREW HALL JR. FOR A WRIT OF REVIEW.

A PETITION of Andrew Hall Jun<sup>r</sup> shewing that James Pitts of Boston Merchant commenced an Action against the Petitioner for the Delivery of a Quantity of Salt according to Agreement, that the Petitioner went to Sea before the Action was tried, depending upon his Attorney to defend him, but he failed him; And so the Action went against him by Default, Praying that he may be enabled to bring forward a Writ of Review of the said Action at the Superior Court for the County of Suffolk, & have a Trial by a Jury, & that the Execution against him may be stayed in the mean time.

Read with the Answer of Mr James Pitts, And the Matter being fully considered,

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted; And the Pet<sup>r</sup> is allowed & impowered by a new Process to review the Cause within mentioned at his Maj<sup>ty</sup>'s Inf<sup>r</sup> Court of Common Pleas. next to be holden at Boston in [&]<sup>1</sup> for the County of Suffolk on the first Tuesday of July next; And the Justices of the s<sup>d</sup> Court are likewise impowered & directed to hear & try the same, make up Judgm<sup>t</sup> & award Execution thereon, pursuant to Law; And the Execution within mentioned is stayed in the mean time, provided the Pet<sup>r</sup> give sufficient Security to the Sheriff of the County of Suffolk to pay the sum already recovered or such Sum, as shall be finally re-

Legislative Records of the Council, xix., 169. Mass. Archives, xliii., 164.

Mass. Archives, xlii., 161. Legislative Records of the Council, xix., 175. House Journal, p. 229.

<sup>1</sup> Inserted from State Library copy of Legislative Records of the Council, xix., 186.

covered of him on said Action with lawful Interest therefor from this time; And that he notify the said James Pitts or his Attorney of this Order fourteen days at least before the Sitting of the said Court.<sup>1</sup> [Passed April 19.]

## CHAPTER 341.

### ORDER ALLOWING TO SARAH SOUTHWICK THE WAGES OF HER SON.

Legislative Records of the Council, xix., 175. Mass. Archives, lxxiii., 562.

Mass. Archives, ix-xiii., 560—563. Province Laws, xiii., 465, chap. 1.

A CERTIFICATE of Cpt. Jonathan Hubbard, That Benjamin Southwick was a Soldier in his Company at Cape Breton; & that there was due to him for Wages the Sum of £35, Old Tenor: Also a Request from Sarah Southwick, Mother of the said Benjamin to the Committee of War to pay the said Wages to Cpt. Thomas Eaton for her Use.

*Ordered* that the Comm<sup>ee</sup> of War be directed to pay to Capt<sup>t</sup> Eaton for the Use of the within named Sarah Southerick the Sum of four pounds thirteen shillings and four pence in full consideration of the Wages due as within mentioned.<sup>2</sup> [Passed April 19.]

## CHAPTER 342.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE PETITION OF EDWARD HUTCHINSON TREASURER OF HARVARD COLLEGE, IN REGARD TO TAXATION AND FURTHER REFERRING THE CHELSEA PETITION.

Legislative Records of the Council, xviii., 487; xix., 176. Mass. Archives, lviii., 359.

Legislative Records of the Council, xviii., 488. House Journal, pp. 197, 238. Ante, p. 194, chap. 147.

A PETITION of the President & Fellows of Harvard College in Cambridge, Setting forth that for several Years last past the Assessors of the Town of Boston have taxed the Treasurer of the said College for Monies belonging to the said College by him put out to Interest, which the Petitioners apprehend is contrary to the Privileges of the said College Therefore praying for Redress from this Court.

The Committee, to whom was refer'd the Petition of the Revd Edward Holyoke President of Harvard College, having heard the Parties & considered the Affair, are of Opinion that the Assessors ought not to have taxed the Hon<sup>ble</sup> Edward Hutchinson Esq<sup>r</sup> Treasurer of said College, for said College Money, by him let out upon Interest; & that the said Edward Hutchinson be freed & discharged from said Assessments mentioned in said Petition: And we are further of Opinion that the Assessors of the Town of Chelsea ought not to tax the College Lands: All which is humbly submitted.

Per Order of the Committee                    JOSEPH WILDER

Read, &

*Order'd* that this Report be so far accepted as relates to the Petition of the President & Fellows of Harvard Colledge, and that the assessors, Collectors & Treasurer of the Town of Boston conform themselves accordingly: And that the Consideration of the Petition of the Repres<sup>ve</sup> of Chelsea be referred to the next May Session. [Passed April 19.]

<sup>1</sup> The final action on this petition is not found in the House Journal.

<sup>2</sup> Not found in the House Journal.

## CHAPTER 343.

ORDER ALLOWING £108. 5. 8½ ON ACCT OF REBUILDING THE COURT HOUSE.

AN ACCOMPT presented by Jacob Wendell Esq<sup>r</sup> & others a Committee appointed to take Care of the Repairs & Rebuilding of the Court House in Boston, of the Charge thereof, Ballance due from the Province being £108. 6. 8½.

Read &

*Ordered* that the within Accompt be Allowed; & that the Ballance thereof, being One hundred & eight Pounds six shillings and eight pence half penny be allowed the Committee out of the publick Treasury accordingly. [Passed April 19.

Legislative Records of the Council, xix., 176.

House Journal, pp. 233, 236.  
*Ante*, p. 116,  
chap. 276.

## CHAPTER 344.

ORDER ALLOWING £66. 13. 4 TO THE COMMITTEE FOR REBUILDING YE COURT HOUSE.

*Ordered* that the Sum of Sixty Six pounds thirteen shillings and four pence be allowed & paid out of the publick Treasury to the Committee for repairing the Town House &c in consideration of their time and trouble in taking care of said Repairs &c to be equally proportion'd among them. [Passed April 19.

Legislative Records of the Council, xix., 176. Mass. Archives, xlxi., 277.

House Journal, pp. 236, 237.  
*Supra*, chap. 343.

## CHAPTER 345.

ORDER ALLOWING £5 TO ANTH<sup>A</sup> GLAZIER.

A PETITION of Anthony Glazier, setting forth his great Services to the English at the Siege of Louisbourg by many Discoveries he made to them of the State of the Place, which facilitated the Reduction thereof; Praying for some Allowance from this Court for the Support of him self & Family:

Read and

*Ordered* that the Pet<sup>r</sup> be allowed five pounds out of the publick Treasury in consideration of his Service withinmentioned. [Passed April 19.

Legislative Records of the Council, xix., 177. Mass. Archives, lxxiii., 667.

Mass. Archives, lxxiii., 667.  
House Journal, pp. 176, 205,  
237.

## CHAPTER 346.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE PETITION OF ISAAC LITTLE, ASSIGNEE, FOR A WRIT OF REVIEW.

A PETITION of Isaac Little Esq<sup>r</sup> as Assignee to Nahum Ward, Praying for liberty to review an Action which he prosecuted at the Inferior Court in Plimouth County, held in the Year, 1734, against John Cook, James Cook & Joseph Cook, as also another Action he prosecuted against James Cook on a Bond of £60 which Contro-

Legislative Records of the Council, xviii., 238; xix., 176.

Mass. Archives, xliii., 112.

Legislative Records of the Council, xix., 175. House Journal, p. 260 (April, 1748); pp. 193, 223, 234, 239.

versies were attended with such Circumstances as have necessarily hindred his pursuing them in the Law.

The Committee to whom the Petition of Isaac Little Esq<sup>r</sup> was refer'd, have heard the Parties & considered of the same, & are of Opinion That the Prayer of the Petition be so far granted as that the Award be set aside & made void, Provided the Petitioner pay the said Russell within ten days one half of the Charge of the Arbitration mentioned in said Petition; Which said Russell has already paid or given Secnry.

All which is humbly submitted:

JNO<sup>o</sup> GREENLEAF

Read &

*Ordered* that this Report be Accepted. [Passed April 20.<sup>1</sup>

## CHAPTER 347.

### VOTE GRANTING A TOWNSHIP TO CPT. HOBBS'S & CPT. PIERSONS COMPANIES.

Legislative Records of the Council, xix., 177.

Maps and Plans, Mis., xiii., 10. House Journal, pp. 74, 111, 112, 203, 204, 222, 226, 231, 236. Province Laws, v., 976, note.

*Voted* that a Township of the Contents of six miles square, on the North west Side of the Line from Sabago Pond to the Head of Berwick, against Gorham Town & Number One, be & hereby is granted to Cpt Humphrey Hobbs & Company, & to Cpt. Moses Pierson & Company & those who have signed his Petition, Provided that they take Associates of the Cape Breton Soldiers, so called, not excluding the Representatives of such as are dead, so as to make the whole Number of Grantees One hundred & twenty; Sixty of which to settle in distinct Families on said Township within three years from this time, & Sixty more within seven years from the same time, Each Settler or Grantee to give Bond to the Treasurer of this Province for the time being, within twelve months from this time, in the sum of Twenty Pounds, Conditioned (if of the first Settlers) that he will by himself or some other Person, build an House on his Share, eighteen feet long, sixteen wide, & seven feet Stud, bring to & fit for plowing or pasturing five Acres of Land within three years from this Date; And if of the second Settlers, to perform the same Conditions within seven years of the same time; & cause a suitable Meeting House, for the publick Worship of God, to be built in the Township, & a learned orthodox Minister of good Conversation to be settled among them, within five years: The whole Township to be in One hundred & twenty three equal Shares, One for the Ministry, one for the School, & one [for the]<sup>2</sup> first settled Minister, the Rest in equal Shares among the said Grantees: And in case any of the Proprietors shall fail of performing his Part of the Conditions, to be expressed in his Bond, as aforesaid; the Treasurer of the Province for the time being shall, & he is hereby impowered & directed in his own Name, for the Use & Order of this Governm<sup>t</sup> to put such Delinquents Bond in Suit; And the Share of <sup>3</sup> such delinquent Proprietor is hereby declared & made liable to an Extent of Execution for the Satisfaction of any sum, that may be, by the said Treasurer recovered on the Settler aforesaid, where other Estate is not to be found; Any Conveyance of such Delin-

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is April 19.

<sup>2</sup> Inserted from State Library copy of Legislative Records of the Council, xix., 188.

<sup>3</sup> Sie.

quent Proprietors Share to any other Person or Persons, that may have then been made notwithstanding: The said Township to be laid in as regular a Form, & with as little Prejudice to the other Province Lands as may be; A Plan thereof to be taken by a skilful Survey<sup>r</sup> & Chainmen on Oath, & returned to this Court within twelve months for Confirmation; And that Jabez Fox, Ezekiel Cushing & Enoch Freeman Esq<sup>rs</sup> be a Committee to take the said Bonds, & transmit them to the Treasurer of this Province; The Charge thereof to be born by the Petitioners. [Passed April 20.]

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## CHAPTER 348.

### VOTE TRANSFERRING APPROPRIATIONS.

*Voted* that the sum of Two hundred & forty one Pounds be transfer'd from the Appropriation for Defence of the Province; & that the sum of Forty two Pounds ten shillings be transfer'd from the Appropriation where there is no Establishment, & Thirty seven Pounds from the Appropriation for Contingencies; And that the three afore said Sums be applied to the Payment of the Members of the House of Represent<sup>ves</sup>. [Passed April 20.]

Legislative Records of the Council, xix., 178.

House Journal, p. 238.

## CHAPTER 349.

### ORDER ALLOWING £6. 4. 8½ TO EDWARD SUMNER.

A PETITION of Edward Sumner of Roxbury, shewing that his Son Ebenezer Sumner was an Officer in the late Expedition against Cape Breton, & that soon after his Return he died, not having received the full of Wages for the said Service, Praying that the Memorialist may be allowed the said Wages:

Legislative Records of the Council, xix., 178. Mass. Archives, lxxiii., 645.

Read and

*Ordered* that the Comm<sup>ee</sup> of War be directed to Pay the Pet<sup>r</sup> Six Pounds four Shillings and Eight pence half penny in consideration of his Son's Service within mentioned. [Passed April 20.]

Mass. Archives, lxxiii., 645. House Journal, pp. 221, 238. Province Laws, xiii., 465, chap. 1.

## CHAPTER 350.

### ORDER ALLOWING £5. 1. 6 TO EBEN<sup>E</sup> HOLMES.

A PETITION of Ebenezer Holmes of Rochester, shewing that he was employed as a Soldier in the Service of the Province, in the Eastern Frontiers, but his Name was left out of the Muster Roll, so that he has hitherto had no Wages; Praying that his Wages may be allowed by this Court.

Legislative Records of the Council, xix., 178. Mass. Archives, lxxiii., 638.

Read and

*Ordered* that the Pet<sup>r</sup> be allowed and paid out of the publick Treasury five pounds One Shilling and Six pence for his Service therein mentioned. [Passed April 20.]

Mass. Archives, lxxiii., 638, 639. House Journal, pp. 234, 239.

## CHAPTER 351.

## ORDER ALLOWING £15. 0. 1½ ON ACCT OF CHARGE FOR THE PIGWACKET INDIANS.

Legislative Records of the Council, xix., 178.

AN ACCOMPT presented by Benjamin Hammond of the Charge of maintaining the Indians of the Pigwacket Tribe.

Read &

House Journal, pp. 239, 240. Province Laws, xiii., 597, chap. ii.

*Ordered* that there be allowed out of the publick Treasury the sum of Fifteen Pounds & one penny half penny in full of the within Accompt & the Allowance to the Committee; And that the Treasurer be directed to pay the same to James Otis Esq<sup>r</sup> for the Use of the Committee. [Passed April 20.]

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## CHAPTER 352.

## ORDER REFERRING ALL UNFINISHED MATTERS.

Legislative Records of the Council, xix., 178. Mass. Archives, xlvi., 278.  
House Journal, p. 240.

*Ordered* that all Matters now lying before this Court and that shall not be pass'd upon this Session: have the Same day in the next May Session. [Passed April 20.]

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## CHAPTER 353.

ORDER OF NOTICE WITH STAY OF PROCEEDINGS ON THE PETITION OF GOVERN<sup>R</sup> BELCHIER FOR A CHANGE OF VENUE IN A TRIAL OF TITLE TO LAND.

Legislative Records of the Council, xix., 178.  
House Journal, p. 227.

A PETITION of his Excellency Jonathan Belcher Esq<sup>r</sup> Govern<sup>r</sup> of New Jersey, shewing that a Cause between him & Sylvester Rich mond Esq<sup>r</sup> referring to the Title of certain Lands in the County of Bristol, & now depending, by Writ of Review, in the Superior Court can not be tried in the said County with any Justness & Impartiality, so many Persons Families & Towns in said County being interested in the Event of said Action; & therefore Praying that the said Action may be tried in some other County & that all Proceedings thereon may be staid in y<sup>e</sup> meantime

Read &

*Ordered* that the Petitioner or his Attorney serve Sylvester Rich mond Esq<sup>r</sup> with a Copy of this Petition, that he shew Cause, if any he hath, on the second Fryday of the next May Session, why the Prayer thereof should not be granted, And all Proceedings with respect to the Writ of Review &c are stayed in the mean time. [Passed April 20.]

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RESOLVES, ORDERS, VOTES,  
ETC.

PASSED 1750-51.



# LEGISLATIVE LIST<sup>1</sup>

FOR

1750-51.

THE HONORABLE SPENCER PHIPS, Esq., LIEUT. GOVERNOR,  
CAPTAIN-GENERAL AND GOVERNOR-IN-CHEIF, ETC.

JOSIAH WILLARD, Esq.,  
SECRETARY OF THE PROVINCE.

## COUNCILLORS OR ASSISTANTS.

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of the Massachusetts Bay;*

JOHN OSBORNE	} ESQRS.	SAMUEL DANFORTH	} ESQRS.
EZEKIEL LEWIS		WILLIAM FOYE	
FRANCIS FOXCROFT		JOHN GREENLEAF	
JOSIAH WILLARD		SAMUEL WATTS	
JACOB WENDELL		JOHN QUINCEY	
THOMAS BERRY		JOHN CHANDLER	
JOSEPH WILDER		EZEKIEL CHEVER	
BENJAMIN LYNDE		JOSEPH PYNCHON	
DANIEL RUSSELL		THOMAS HUTCHINSON	

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of New Plymouth;*

JOHN CUSHING	} ESQRS.	SYLVANUS BOURN	} ESQRS.
GEORGE LEONARD		JOHN OTIS	

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Province of Mayne;*

SIR WILLIAM PEPPERIL, BARONET, JEREMIAH MOULTON & JOHN HILL, ESQRS.

*Of the Inhabitants of or Proprietors of Lands within the Territory lying between the River of Sagadahock & Nova Scotia;*

JOHN WHEELWRIGHT, Esq.

<sup>1</sup> See Legislative Records of the Council, xix., 180-183.

*For the Province, at large:—*

JAMES MINOTT & ANDREW OLIVER, ESQRS.

REPRESENTATIVES OR DEPUTIES.

May 30, 1750 to April 27, 1751.

MR. THOMAS HUBBARD, SPEAKER.

COUNTY OF SUFFOLK.

Boston,	. . .	James Allen, Esq., Thomas Hubbard, Esq., Mr. John Tyng, Mr. Harrison Gray.
Roxbury,	. . .	Capt. Joseph Williams.
Dorchester,	. . .	Capt. Thomas Wiswall.
Braintree,	. . .	Mr. Joseph Crosby.
Weymouth,	. . .	Mr. Thomas Pratt.
Hingham,	. . .	Mr. Jacob Cushing.
Dedham,	. . .	Joseph Richards, Esq.
Stoughton,	. . .	John Shepherd, Esq.
Chelsea,	. . .	Nathaniel Oliver, Jr., Esq.

COUNTY OF ESSEX.

Salem,	. . .	Mr. John Leach, Mr. Daniel Gardner.
Ipswich,	. . .	Mr. Francis Cogswell.
Newbury,	. . .	Joseph Gerrish, Esq.
Lynn,	. . .	Capt. Benjamin Newhall.
Andover,	. . .	Capt. Joseph Fry.
Marblehead,	. . .	Mr. John Bailey.
Haverhill,	. . .	Mr. Nathaniel Saunders.
Berkeley,	. . .	Mr. Daniel Conant.
Rowley,	. . .	Mr. Joseph Hale.
Salisbury,	. . .	Capt. Elias Dyke. <sup>2</sup>
Glocester,	. . .	Capt. James Davis.
Amesbury,	. . .	Capt. John Sergeant.
Boxford,	. . .	Mr. John Foster.

COUNTY OF MIDDLESEX.

Cambridge,	. . .	Andrew Boardman, Esq., Edmund Trowbridge, Esq.
Charlestown,	. . .	Isaae Royal, Esq., Mr. James Russell.
Watertown,	. . .	Jonas Bond, Esq.
Concord,	. . .	Chambers Russell, Esq., Mr. Ephraim Jones.
Reading,	. . .	Capt. Thomas Eaton.

COUNTY OF MIDDLESEX — *Concluded.*

Newtown,	. . .	Thomas Greenwood, Esq.
Sudbury,	. . .	Mr. William Rice.
Marlborough,	. . .	Mr. James Woods.
Billerica,	. . .	Mr. James <sup>3</sup> Stickney.
Framingham,	. . .	Joseph Buckminster, Esq.
Lexington,	. . .	Capt. Benjamin Read.
Chelmsford,	. . .	Mr. Daniel Proctor.
Malden,	. . .	Joses Bucknam, Esq.
Weston,	. . .	Mr. Abijah Upham.
Medford,	. . .	Andrew Hall, Esq.
Littleton,	. . .	Jonathan Prescott, Esq.
Stow,	. . .	Mr. John Pierce.
Hopkinton,	. . .	John Jones, Esq.
Westford,	. . .	Mr. Jonas Prescott, Jr.

COUNTY OF HAMPSHIRE.

Springfield,	. . .	Josiah Dwight, Esq.
Northampton,	. . .	Mr. Ebenezer Pomroy, Jr.
Hadley,	. . .	Eleazar Porter, Esq.
Hatfield,	. . .	Israel Williams, Esq.
Westfield,	. . .	Mr. Israel Ashley.
Deerfield,	. . .	Ebenezer Hinsdale, Esq.
Sheffield,	. . .	Capt. John Ashley.
Sunderland,	. . .	Mr. Jonathan Field.

COUNTY OF WORCESTER.

Worcester,	. . .	Benjamin Flagg, Esq.
Lancaster,	. . .	Capt. William Richardson.
Brookfield,	. . .	Josiah Converse, Esq.
Leicester,	. . .	Mr. John Brown.
Sutton,	. . .	Mr. Benjamin Woodbury.
Uxbridge,	. . .	John Harwood, Esq.
Mendon,	. . .	Mr. Nathanael Nelson. <sup>4</sup>

COUNTY OF PLYMOUTH.

Plymouth,	. . .	Thomas Foster, Esq.
Scituate,	. . .	Thomas Clap, Esq.
Bridgewater,	. . .	Capt. Josiah Edson.

<sup>1</sup> The House Journal, p. 4, reads, "Mr. Moses Hale."

<sup>2</sup> The House Journal, p. 4, reads, "Capt. Elias Pike."

<sup>3</sup> The House Journal, p. 4, reads, "Mr. William Stickney."

<sup>4</sup> The House Journal, p. 4, reads, "Mendon, Mr. Nathanael Nelson."

COUNTY OF PLYMOUTH — *Concluded.*

*Pembroke*, . . Mr. Israel Turner.  
*Plimpton*, . . Capt. Barnabas Shirtlief.  
*Rochester*, . . Capt. Noah Sprague.  
*Hanover*, . . David Stockbridge, Esq.  
*Marshfield*, . . John Little, Esq.<sup>1</sup>

## COUNTY OF BARNSTABLE.

*Barnstable*, . . James Otis, Esq.  
*Sandwich*, . . Samuel Tupper, Esq.  
*Yarmouth*, . . Joseph Thatcher, Esq.  
*Eastham*, . . Samuel Knowles, Esq.  
*Harwich*, . . Mr. Edward Bangs.

## COUNTY OF BRISTOL.

*Taunton*, . . Samuel White, Esq.  
*Rehoboth*, . . Mr. Nathaniel Smith.

COUNTY OF BRISTOL — *Concluded.*

*Dartmouth*, . . Capt. Nathaniel Sole.  
*Norton*, . . Mr. Josiah White.  
*Attleborough*, . . Mr. Benjamin Day.  
*Freetown*, . . Mr. Samuel Valentine.  
*Swanzey*, . . Eseck Brown, Esq.

## COUNTY OF YORK.

*York*, . . . . Capt. Thomas Bragdon.  
*Kittery*, . . . . Mr. John Dennet.  
*Berwick*, . . . . Mr. William Gerrish.  
*Wells*, . . . . John Storer, Esq.  
*Falmouth*, . . . . Jabez Fox, Esq.  
*North Yarmouth*, Jeremiah Powell, Esq.

## IN THE COUNTY OF NANTUCKET.

*Sherburn*, . . Abishai Folger.

<sup>1</sup> History of Plymouth County, p. 1147, reads, under Marshfield, "John Little," Esq.



## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE THIRTIETH DAY OF MAY, A.D. 1750.

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### CHAPTER 1.

#### ORDER ALLOWING £296 TO HUMPHREY AVERY.

A PETITION of Humphrey Avery of Preston in the Colony of Connecticut, shewing that on the 14<sup>th</sup> day of Decem<sup>r</sup> 1748, his Dwelling house was burnt, & therein Seventy four Pounds in Bills of Credit of this Province, of the last Ten<sup>r</sup> wholly consumed, Praying to be allowed that Sum by this Court:

Legislative Records of the Council, xix., 186. Mass. Archives, lxxxvii., 62.  
Mass. Archives, lxxxvii., 60-65. House Journal, pp. 10, 11.

Read and

Ordered that the Pet<sup>n</sup> be allowed out of the publick Treasury the Sum of two hundred and Ninety Six pounds in Bills of Credit of the Colony of Connecticut of the Old tenor so called, in Lieu of that Sum in Bills of Credit of this Province consumed by fire.

[Passed June 2.]

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### CHAPTER 2.

#### ORDER OF NOTICE WITH STAY OF PROCEEDINGS ON THE PETITION OF THE INHABITANTS OF CHEBACCO.

ON THE PETITION of John Goodhue & others of Chebacco, [ante, p. 288, chap. 68]

Legislative Records of the Council, xix., 186. Mass. Archives, xiii., 143.

Read and

Ordered that this Pet<sup>n</sup> be revived and that the Pet<sup>rs</sup> serve Samuel Low with a copy of this Pet<sup>n</sup> that He and Others of the second Parish in Ipswich, Who apprehend themselves affected thereby may Shew cause (if any they have) on Fryday the 22<sup>d</sup> Curr<sup>t</sup> why the Prayer thereof should not be granted And all processes in the Law are Stayed in the mean time. [Passed June 2.]

Mass. Archives, xiii., 138-143. Legislative Records of the Council, xix., 64. House Journal, p. 12. Ante, p. 288, chap. 68.

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### CHAPTER 3.

#### ORDER OF NOTICE ON THE PETITION OF TWO PROPRIETORS IN REGARD TO THE SETTLEMENT OF TOWNSHIP NO. FOUR.

A PETITION of David King & William Watson, two of the Proprietors of Land in the New Township in the County of Hamp-

Legislative Records of the Council, xix.,

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is June 5.

187. Mass. Archives, exv., 680. shire called Number Four, shewing that they are daily carrying on their Settlements in said Place, & design to be soon upon their

Land with their Families, And therefore that this Court would order the other Proprietors to settle there, according to the Terms of their Grant.

Mass. Archives, exv., 679. House Journal, pp. 13, 14. Province Laws, xii., 404, chap. 106. Read and

*Ordered* that the Pet<sup>rs</sup> serve the Clerk of the Prop<sup>rs</sup> of the Township within mentioned with a Copy of this Pet<sup>n</sup>. That He lay before this Court on the Second thursday of their next Sitting, the Grant of the said Township together with the Names of the Grantees:

Distinguishing those who have from those Who have not Complied with the said Grant. And this Pet<sup>n</sup> is refer'd in the mean time for Consideration. [Passed June 5.]

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## CHAPTER 4.

### ORDER ALLOWING £4 TO DORCAS CUTT.

Legislative Records of the Council, xix., 188. Mass. Archives, lxxxvii., 58.

Mass. Archives, lxxvii., 57-59. House Journal, pp. 14, 17. Read and

A PETITION of Dorcas Cutt of Kittery Widow Praying to be allowed out of the publick Treasury the sum of Thirty Pounds in Bills of the Old Tenor, she having that Value in Bills of this Province burnt in the House of her Son in Law the Rev<sup>d</sup> M<sup>r</sup> Whipple of Hampton:

*Ordered* that the Pet<sup>r</sup> be allowed out of the publick Treasury the Sum of four pounds in Lien of that Sum consumed by fire as within mentioned. [Passed June 6.<sup>1</sup>]

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## CHAPTER 5.

### ORDER DIRECTING THE COMMISSARY GENERAL TO ALLOW A CLAIM OF COLL. JER. MOULTON.

Legislative Records of the Couneil, xix., 188. Mass. Archives, lxxiii., 681.

Mass. Archives, lxxiii., 680-683. House Journal, pp. 14, 17. Read and

A MEMORIAL of Jeremiah Moulton Esq<sup>r</sup> shewing that the Commissary General had sent to him, by a Sloop, whereof one Josiah Webber was Master, a Quantity of Provisions for the Subsistence of the Soldiers in Pay, that upon Opening the Cask, he found that the Quantity of a Barrel of Pork & about One hundred & an Half of Bread was pilfered; but the said Webber had before absconded, so that he could not pursue him, Praying that he may be discharged of the said Pork.

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and the Commissary Gen<sup>l</sup> is hereby Ordered to Discount with the Pet<sup>r</sup> a Barrel of Pork and a hundred and half of Bread accordingly. [Passed June 7.]

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is June 7.

## CHAPTER 6.

## ORDER IMPOWERING RUHAMAH BOND AS GUARDIAN TO SELL LAND.

A PETITION of Rubamah Bond of Lexington, Guardian to her two Daughters being Minors, Praying that she may be impowered to join with their Brother in Conveying their Part of a Piece of Land of the Quantity of fifteen Aeres left them by their Father, Her Son being about to sell his Part;

Read &

*Ordered* that the Pet<sup>r</sup> be Impowered in her Capacity as Guardian to make Sale of the Land herein mentioned for the most it will fetch. She Observing the directions of the Law with respect to the Sale of Intestate Estates, and giving caution to the Judge of Probate for the County of Middlesex, that the produce of said Sale be Secured for the best advantage of the said Minors pursuant to Law. [Passed June 7.

Legislative Records of the Council, xix., 188. Mass. Archives, xviii., 661.

Mass. Archives, xviii., 660. House Journal, p. 16. Province Laws, ii., 151, chap. 10.

## CHAPTER 7.

ORDER REFERRING WITH STAY OF PROCEEDINGS THE PETITION OF GOV<sup>R</sup> BELCHER FOR A CHANGE OF VENUE IN A TRIAL OF TITLE TO LAND.

ON THE PETITION of His Excellency Governor Belcher, [*ante*, p. 402, chap. 353]

*Ordered* that the Consideration of this Petition be refer'd to the first Fryday of the next Sitting of this Court, And that all Proceedings on the Writ of Review be staid in the mean time. [Passed June 8.

Legislative Records of the Council, xix., 189. Mass. Archives, xvi., 216.

Mass. Archives, xvi., 213–220. House Journal, p. 19. *Ante*, p. 402, chap. 353.

## CHAPTER 8.

## VOTE DIVIDING THE FIRST PARISH IN KITTERY INTO TWO PARISHES.

*Voted* that the first or Lower Parish in Kittery within the County of York Be & Hereby is Divided & Erected into two Distinet & Separate Parishes, And that the Dividing Line Between them be as follows viz Beginning at a Large Smooth Rock Lying in the Middle or Bottom of the Road from York to Portsmouth Ferry at High Watter Mark By S<sup>d</sup> Ferry at the westward Corner of S<sup>d</sup> Rock Near S<sup>d</sup> Ferry House & from thence to Run North fifty four Degrees East to York Bounds and that all the Lands & Inhabitants Dwelling thereon, Lying Above or Northward of S<sup>d</sup> Line be the Middle or third Parish in S<sup>d</sup> Town of Kittery and Be Invested with all the Powers, Priveledges & Immunitiess that the Inhabitants of any of the Parishes within this Province by Law are or ought to be Invested with And that all the Lands & Inhabitants Dwelling thereon, together with all the Islands Lying Below or South ward of S<sup>d</sup> Line Be the first or Lower Parish in S<sup>d</sup> Town of Kittery And Be Invested with all the Powers, Priveledges & Immunitiess that the Inhabitants of any of the Parishes within this Province by Law are or ought to be Invested with On Condition that the Rev<sup>d</sup> m<sup>r</sup> John Newmarch their Present Pastor Be

Legislative Records of the Council, xix., 189. Mass. Archives, xiii., 136.

Mass. Archives, xiii., 133–137.

Supported & Maintained between them In proportion to their Poles & Estates Notwithstanding their Being Divided into Distinct & Separate Parishes as Above Said.<sup>1</sup> [Passed June 8.]

## CHAPTER 9.

### ORDER ALLOWING THE ACCT OF THE TREAS<sup>R</sup> OF WORCESTER CO.

Legislative  
Records of the  
Council, xix.,  
189.  
  
House Jour-  
nal, pp. 10, 18.

AN ACCOMPT presented by Daniel Hayward Esq<sup>r</sup> Treasurer of the County of Worcester for the Year 1749; Having been laid before the Court of General Sessions of the Peace for the said County & by them Allowed;

Read &

*Ordered* that the within Accompt be allowed & that the Ballance thereof, being Six Pounds five shillings & eight pence farthing the said Treasurer be accountable to said County for. [Passed June 8.]

## CHAPTER 10.

### ORDER ALLOWING THE ACCT OF THE TRUSTEES OF HASINAMISCO INDIANS.

Legislative  
Records of the  
Council, xix.,  
189. Mass.  
Archives,  
xxvii., 5.  
  
Mass.  
Archives,  
xxxiii., 4.  
House Jour-  
nal, pp. 10, 18.  
  
Provincial  
Laws, xiii., 326,  
chap. 227.

AN ACCOMPT presented by John Chandler, John Jones & John Baker Esq<sup>rs</sup> Trustees for the Hassanimisco Indians of Receipts & Disbursements of the Money of the said Indians for the present Year.

Read and

*Ordered* that the within Account be allowed and that the Ball<sup>a</sup> thereof being two pounds Seventeen Shillings and four pence three farthings, the said Trustees be accountable for. [Passed June 8.]

## CHAPTER 11.

### ORDER IMPOWERING MARY WOLCOT & JOHN DODGE TO BRING FORWARD WRITS OF REVIEW.

Legislative  
Records of the  
Council, xix.,  
191. Mass.  
Archives,  
xliii., 185.  
  
Mass.  
Archives,  
xliii., 182-184.  
*Ante*, p. 304,  
chap. 108.

A PETITION of Mary Wolcot & John Dodge, shewing that by reason of their Mistake in not Notifying Nathan Bowen seasonably of the Order pass'd on their Petition in Novem<sup>r</sup> last, they lost the Benefit of the said Order, Praying that it may be revived, & that the Superior Court may now be enabled to proceed on their Affairs according to the said Orders.

Read &

*Ordered* that the Prayer of the Petition be granted, & that the Pet<sup>r</sup> Mary be impowered to bring forward her Writt of Review at the Superior Court of Judicature to be held in the County of Essex in June next, on the Judgment obtained by Nathan Bowen, upon the Note mentioned in the Petition, in the same Manner as she was enabled to do by an Order of this Court in April 1749. & that the Petitioner Jolin Dodge be likewise enabled at the same

<sup>1</sup> Not found in the House Journal.

time to bring a Writt of Review on the Judgment obtained upon the Review Bond mentioned in said Petition, & that said Bond shall be of no other Force or Effect than if it had been given to review the Judgment upon s<sup>d</sup> Note at the said Superiour Court for the County of Essex; And all Proceedings upon both said Judgments mentioned in the Petition, are hereby stayed in the mean time.<sup>1</sup> [Passed June 8.<sup>2</sup>

## CHAPTER 12.

ORDER REMITTING TO THE TOWN OF METHUEN THE FINE FOR NOT SENDING A REPRESENTATIVE.

Legislative Records of the Council, xix., 190. Mass. Archives, xl ix., 285.

*Ordered* that the Fine impos'd upon the Town of Methuen the last Year for not Sending a Rep<sup>ues</sup> be remitted. [Passed June 9.

House Journal, pp. 17, 19 bis.

## CHAPTER 13.

ORDER REFERRING THE PETITION OF JEREM<sup>A</sup> EATON ABOUT A PRIVATE WAY.

Legislative Records of the Council, xix., 190. Mass. Archives, xl iii., 452.

ON THE PETITION of Jeremiah Eaton, [*ante*, p. 387, chap. 317] *Ordered* that the Consideration of this Petition be refer'd to Fryday the twenty second Instant.<sup>1</sup> [Passed June 9.<sup>3</sup>

Mass. Archives, xl iii., 449—452. *Ante*, p. 387, chap. 317.

## CHAPTER 14.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE NEEDHAM AFFAIR AND CONFIRMING THE PROCEEDINGS OF THE TOWN MEETING.

A PETITION of sundry Inhabitants of the Town of Needham, Complaining of the illegal Proceedings of the Selectmen & Moderator in a Town Meeting, held there in March last, & Praying that their Proceedings may be set aside and declared null & void.

Legislative Records of the Council, xix., 193. Mass. Archives, cxv., 706.

The Committee Appointed to Consider the Petition of Robert Fuller and others of the Town of Needham hear the Parties &c haveing Attended that Service Report.

That it appears to the Comtee That the Said Town at their Meeting referr'd to In the Petition Mistook the Sence of y<sup>e</sup> Law As to Qualification of Voters in Town Affairs That had the Directions of Law for takeing y<sup>e</sup> Valuation of Real Estates been duly Observd the Persons Objected to At The S<sup>d</sup> Meeting as Unqualifyed; Ought to have been Admitted to Vote, They are therefore of Opinion that the Petition be Dismissed; And the Proceedings of the Said Meeting be Confirmed.

Whieh is Submitted. p<sup>r</sup> Order

JOHN HILL

Legislative Records of the Council, xix., 191. House Journal, pp. 211, 232 (April, 1750); pp. 14, 22.

<sup>1</sup> Not found in the House Journal.

<sup>2</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is June 12.

<sup>3</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is June 11.

Read & Accepted, And altho' the said Town at their Meeting referr'd to, mistook the Sense of the Law as to Qualification of Voters in Town Affairs, yet in as much as it appears that the Persons objected to were legally qualified & ought to have been admitted to vote, Therefore

*Ordered* that the Petition be dismiss'd, and the Proceedings of said Meeting are hereby confirmed. [Passed June 12.]

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## CHAPTER 15.

### ORDER IMPOWERING THOMAS PRENTICE ESQ<sup>R</sup>, GUARDIAN, TO SELL LAND.

Legislative Records of the Council, xix., 192. Mass. Archives, xviii., 634.

Mass. Archives, xviii., 633. House Journal, pp. 14, 16. Province Laws, ii., 151, chap. 10.

A PETITION of Thomas Prentice Esq<sup>r</sup> Guardian of Prudence Gilson of Lunenburgh a Minor; shewing that she has eleven Acres of Land in said Town, being her Part of her late Fathers Real Estate, which is so situated as to be of little Profit to her & lies commodiously for her Brother, who is desirous of purchasing it, Praying that the Petitioner may be impowered to make Sale of the said Land for the best Advantage of said Minor.

Read and

*Ordered* that the Pet<sup>r</sup> be allowed and impowered in his Capacity as Guardian to Sell the Land herein mentioned for the most it will fetch.

He Observing the Directions of the Law with respect to the sale of Intestate Estates, and giving Caution to the Judge of Probate for the County of Worcester that the producne of said Sale, be secured for the Use of the said Minor pursnant to Law. [Passed June 12.]

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## CHAPTER 16.

### ORDER IMPOWERING ISAAC LITTLE, ESQ<sup>R</sup>, TO BRING FORWARD WRITS OF REVIEW.

Legislative Records of the Council, xix., 193. Mass. Archives, xliii., 150.

Mass. Archives, xliii., 148–150. House Journal, pp. 22, 23. Ante, p. 399, chap. 346.

ON THE PETITION of Isaac Little Esq<sup>r</sup> [*ante*, p. 399, chap. 346]

*Ordered* that this Petition be revived, And that the Pet<sup>r</sup> be & hereby is allow'd to bring forward his Writts of Review of the Causes within mentioned in the Name of the said Ward at the Sup<sup>r</sup> Court of Judicature &[e,]<sup>1</sup> to be holden at Plimouth within & for the County of Plimouth [on the]<sup>2</sup> 2<sup>d</sup> Tuesday of July next, And the Justices of the said Court are her[eb]y<sup>1</sup> impowered & directed to hear & try the said Causes, & award Executions thereon, pursuant to Law; and that the Pet<sup>r</sup> notify the adverse Parties James, Joseph & Silas Cooke or their Attorney or Attorneys with a Copy of this Order 14 days at least before the Sitting of the s<sup>d</sup> Court. [Passed June 12.]<sup>2</sup>

<sup>1</sup> MS. mutilated. Inserted from Secretary's copy, Legislative Records of the Council, xix., 205.

<sup>2</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is June 13.

## CHAPTER 17.

### ORDER DEFINING THE BOUNDS OF STURBRIDGE AND ANNEXING DIVERS PERSONS THERETO.

A PETITION of Nathaniel Walker, George Watkins & Joseph Pierce shewing that they are situated upon a Gore of Land contiguous to the Town of Sturbridge & not at present included in any Town whatsoever, Praying that they may be annexed to Sturbridge with their Families & Estates; For which they have obtained the Consent of the said Town;

Read and

*Ordered* that the prayer of this Pet<sup>n</sup> be granted. And that the continuation of the West Bounds of Oxford Township Northward to Brookfield Township be the East Bounds of Sturbridge And that all the Lands included between said Line and the present Line of the said Town of Sturbridge with the Inhabitants dwelling thereon be annexed to the Town of Sturbridge there to do Duty and Recieve Priviledge with the other Inhabitants of said Town. [Passed June 13.

Legislative Records of the Council, xix., 193. Mass. Archives, cxv., 687.

Mass. Archives, cxv., 686. House Journal, p. 26.

## CHAPTER 18.

### ORDER ALLOWING £11. 3. 4 AND A GUN AND PISTOL OR TWO GUNS TO TIM<sup>O</sup> BROWN.

A PETITION of Timothy Brown of Ware River, shewing that while he was in the Service of this Province, he was taken Prisoner by the Indians Enemy & carried to Canada & kept in Captivity above fifteen Months; & Praying that his Wages may be allowed him for that time, & that he may be paid the Value of his Arms of his Arms<sup>1</sup> & Cloathing which he lost at the same time

Read and

*Ordered* that the Pet<sup>r</sup> be allowed out of the publick Treasury for his time and Loss mentioned the Sum of Eleven pounds three shillings and four pence And that the Commissary Gen<sup>l</sup> be directed to deliver him either a Gun and Pistol or two Guns out of the Province Store. [Passed June 13.

Legislative Records of the Council, xix., 193. Mass. Archives, lxxiii., 686.

Mass. Archives, lxxiii., 687. House Journal, pp. 22, 25.

## CHAPTER 19.

### ORDER ALLOWING £10. 8 TO CPT. PHIN. STEVENS.

A MEMORIAL of Cpt Phineas Stevens, setting forth his Service in the Defence of the Fort at Number Four against the French & Indian Enemy with his Expences in the War, Praying that this Court would make up to him the Scantiness of his Wages & Subsistence already received;

Read and

*Ordered* that the Memorialist be allowed out of the publick Treasury the Sum of ten pounds eight Shillings in full consideration for his Expences abovementioned. [Passed June 13.

Legislative Records of the Council, xix., 194. Mass. Archives, lxxiii., 690.

House Journal, pp. 24, 27.

<sup>1</sup> *Sic.*

## CHAPTER 20.

ORDER ALLOWING ISAAC LITTLE, ESQ<sup>R</sup>, TO BRING FORWARD ACTIONS.

Legislative  
Records of the  
Council, xix.,  
194. Mass.  
Archives,  
xliii., 156.

Mass.  
Archives,  
xliii., 151-156.  
House Jour-  
nal, pp. 22, 23.  
*Ante*, p. 414,  
chap. 16.

A MEMORIAL of Isaiae Little Esqr shewing that the Time appointed (in the Order of this Court on his Petition, enter'd yesterday) for the Trials of his Actions between him & James Cook, & others is too short by reason of the Distance they live at from the Place for holding this Court; And therefore Praying that the said Trials may be defer'd to any other time of the Superior Court,

Read and

*Ordered* that the Prayer of this Mem<sup>o</sup> be granted and the Memorialist is hereby allowed to bring forward the Suits refer'd to on the Second tuesday of July 1751. accordingly. [Passed June 14.]

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## CHAPTER 21.

## ORDER ALLOWING £18. 8. A GUN AND A CASE OF PISTOLS TO CHARLES REDDIAN.

Legislative  
Records of the  
Council, xix.,  
195.

Mass.  
Archives,  
lxiv., 367-369.  
House Jour-  
nal, pp. 13, 26.

A PETITION of Charles Reddian of Marblehead shewing that he was in ye Year 1746, by an Express put on board the Sloop Diamond as a Pilot to carry Intelligence to an English Fleet then thought to be on the Coast, & that he was taken by the French & detained as a Prisoner for the Space of twenty three Months, Praying that he may be allowed his Wages & for the Loss of a Gun & Pistol:

Read &

*Ordered* that the Petitioner be allowed & paid by the Committee of War the sum of Eighteen Pounds eight shillings in Consideration of his great Sufferings in his Captivity, & that [he]<sup>1</sup> be allowed out of the Commissary Generals Stores a Gun & Case of Pistols. [Passed June 14.]

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## CHAPTER 22.

## ORDER CONFIRMING A PLAT OF 200 ACRES OF LAND TO DANIEL SIMPSON.

Legislative  
Records of the  
Council, xix.,  
195. Mass.  
Archives,  
xlii., 233.

Mass.  
Archives,  
xlii., 232.  
House Jour-  
nal, p. 28.  
Province  
Laws, xlii., 437,  
chap. 195.

A PLAT of Two hundred Acres of Land laid out by Joseph Chadbourn Survey<sup>r</sup> & Chainmen on Oath, to fulfill a Grant made by the General Court in the Year 1744, to Daniel Simpson of York, Beginning at a Beach Tree marked on four sides & Letters thereon, running North east by East, One hundred & six Poles & two thirds of a Pole to a Pine Tree marked on four sides, then North west by North, Three hundred Poles to a Beach Tree marked on four sides; then South west by West, One hundred & six Poles & two thirds of a Pole to Land which was laid out to Christian Baker, which joins to the new Township above Berwick; & by said Bakers Land & Land belonging to the Heirs of Cpt. John Wainwright South east by South, Three hundred Poles to the Station first mentioned.

*Ordered* that the within plat be accepted and the land herein

<sup>1</sup> Inserted from State Library copy, Legislative Records of the Council, xix., 207.

delineated and described be and hereby is confirm'd to Daniel Simpson His Heirs and Assigns for ever Provided the Plat exceeds not the Quantity of the Grant and does not interfere with any former Grant. [Passed June 14.]

## CHAPTER 23.

### ORDER CONFIRMING A PLAT OF 100 ACRES OF LAND TO MOSES BANKS.

A PLAT of One Hundred Acres of Land laid out by Joseph Chadbourn Survey<sup>r</sup> & Chain men on Oath to fulfill a Grant made by the General Court in the Year 1743, to Moses Banks of York, Beginning at the Easterly Corner of the Land w<sup>ch</sup> was laid out to Daniel Simpson at a Pine Tree marked on four sides; Thence running North by East, Fifty three Poles; then North west by West, three hundred Poles to a Beach Tree marked; then South west by West, fifty three Poles & one third of a Pole to Daniel Simpons Land; then South east by South three hundred Poles to the first Station:

Legislative Records of the Council, xix., 195. Mass. Archives, xlvi., 231.

Mass. Archives, xlvi., 230. House Journal, p. 28. Province Laws, xiii., 296, chap. 144.

*Ordered* that the within Plat be accepted and the land herein delineated provided it exceeds not the quantity of the Grant and does not interfere with any former Grant be and hereby is confirmed to the within named Moses Banks His Heirs and Assigns forever. [Passed June 14.]

## CHAPTER 24.

### ORDER ERECTING THE INHAB<sup>TS</sup> OF KENNEBUNK INTO A SEPARATE PRECINCT.

A PETITION of John Mitchell & others Inhabitants of that Part of the Town of Wells called Kennebunk,<sup>1</sup> setting forth the Disadvantages they are under for their Families Attendance on the Publick Worship by reason of their Distance from the Meeting House & the Difficulties in the Way, & praying that that<sup>2</sup> they may be made a Seperate Parish, by the Bounds allowed by said Town.

Legislative Records of the Council, xix., 200. Mass. Archives, xiii., 173.

Mass. Archives, xiii., 170-172. House Journal, p. 12.

Read and

*Ordered* that the Pet<sup>rs</sup> with their Families and Estates together with all the Lands lying between Kennebunk and Mousom Rivers in Wells to the Head of the Township of Wells as described in the Vote of the Inhabitants of the Town of Wells be and hereby are Sett off a Distinct and Seperate Precinct. And that the Inhabitants of said Precinct be invested with the same Powers and Priviledges that Parishes are by Law invested with, or ought to Enjoy. [Passed June 14.<sup>3</sup>]

<sup>1</sup> The House Journal, p. 12, reads, "Kenebeck."

<sup>2</sup> Sic.

<sup>3</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is June 19.

## CHAPTER 25.

## ORDER IN REGARD TO ASSESSMENTS IN SHEFFIELD UPPER PARISH.

Legislative  
Records of the  
Council, xix.,  
196. Mass.  
Archives, xv.,  
361.

Mass.  
Archives, xv.,  
360. House  
Journal, pp. 28,  
31. Province  
Laws, iii., 389,  
chap. 1.

A PETITION of John Williams, in behalf of the upper Parish in Sheffield, shewing that for want of a due understanding of the Order of this Court, respecting the raising their Taxes, they have been put to great Difficulties, Therefore praying that the rates made by the Assessors the last Year & committed to Moses Ingersoll may be taken out of his hands, & another Rate made, agreeable to such Rule as Shall be prescribed by this Court

Whereas David Ingersole John Williams and Hendrick Bourghote Assessors in the within mentioned Parish in their Assessment made in December last past Assessed the whole Sum rais'd by said Parish on the Polls. It is hereby

*Ordered* that the said Assessment be and it hereby is Declared Null and Void. And the said Assessors are hereby directed and impowered to make a new Assessment instead thereof for the Sum or Sums therein contain'd and Committ the same into the Hands of Moses Ingersole (Who is hereby directed to return the other to the said Assessors) Who is impowered to Collect the same. The said Assessment to be made according to the following Rule Viz One half to be Levied on the Polls, and the remainder on the Real and Personal Estates in said Parish.

*Ordered* also that the future Taxes be made by the said Rule till the further Order of this Court. [Passed June 15.

## CHAPTER 26.

ORDER ALLOWING £4. 10. 3 TO W<sup>M</sup> KENT.

Legislative  
Records of the  
Council, xix.,  
197. Mass.  
Archives,  
lxixiii., 675.

Mass.  
Archives,  
lxixiii., 675.  
House Jour.  
nal, pp. 30, 31.

A PETITION of William Kent, shewing that while he belonged to the Garrison at Fort Frederick, he was captivated by the Indian Enemy & carried to Cannada, praying that his Wages may be allowed during his Captivity

Read and

*Ordered* that the Pet<sup>t</sup> be allowed out of the publick Treasury four pounds ten Shillings and three pence in consideration of his Service and Sufferings within mentioned. [Passed June 15.

## CHAPTER 27.

ORDER IMPOWERING JOHN JACOB AND JEZANIAH NICHOLS, GUAR-  
DIANS, TO SELL LAND.

Legislative  
Records of the  
Council, xix.,  
197. Mass.  
Archives,  
xviii., 638.

Mass.  
Archives,  
xviii., 637-639.

A PETITION of John Jacob & Jezaniah Nicholls Guardians to the Children & Heirs of the Rev<sup>d</sup> M<sup>r</sup> Nehemiah Hobart dec<sup>d</sup> (being Minors) setting forth the disadvantage his real Estate is under for any Improvem<sup>t</sup> that may be beneficinal to the s<sup>d</sup> Heirs, Therefore Praying for Liberty to sell the Estate that the Produce may be improved to their greater Advantage.

Read and

*Ordered* that the Guardians within named together with Sarah Hobart be and hereby are Impowered to make sale of the Estate within mentioned and to Execute in due form of Law a Deed of Conveyance thereof to such Person as shall give most for the same Provided the said Guardians give Bond to the Judge of Probate for the County of Suffolk that the produce thereof be applied for the benefit of the Heirs according to Law. And observe the directions of the Law respecting the sale of Intestate Estates &c Provided also the said Guardians give Security to Jonathan Merrit and Elizabeth His Wife that She shall annally during Life recieve the Lawful Interest of the third part of the Sum said Estate shall be Sold for. [Passed June 15.]

House Journal,  
pp. 27, 30.  
Province  
Laws, ii., 151,  
chap. 10.

## CHAPTER 28.

### ORDER IMPOWERING HANNAH KENDALL, ADMINISTRATRIX, TO SELL LAND.

A PETITION of Hannah Kendall Administ<sup>x</sup> Cum Testamento Annexo of the Estate of Sam<sup>l</sup> Kendall late of Lancaster in the County of Worcester Dec<sup>d</sup> & Administ<sup>x</sup> on the Estate of her late Husband Ebenezer Kendall of Lancaster aforesaid dec<sup>d</sup> Son of the said Sam<sup>l</sup> shewing that the Debts on the said Samuels Estate do much exceed the value of the Personal Estate, & that the real Estate will make but one Competent living, & will be much Damaged by being divided, Therefore praying that she may be impow- ered to sell the whole of the real Estates, to pay Debts & Legacies, & the overplus to be for the support of the said Samuel's Widow & to be disposed of according to Law,

Read and

*Ordered* That the Prayer of the Petition be granted and the Petitioner is hereby impowered, in the Capacity of Administratrix to her Said late husband Ebenezer's Estate, to make Sale of the Land and Buildings within mention'd and to execute, in due form of Law, a Deed or Deeds for the conveyance thereof to Such Person or Persons as shall give most for the Same; and dispose of the Produce of the Premises for discharging the Debts and Funerals<sup>1</sup> of the Said Testator Samuel and the Legacies given by his Will and for the comfort and Support of Mary his widow agreeable to his Said Will and the Overplus (if any there be) after the Said Will is perform'd and the Said Ebenezer's Debts are paid to be distributed to and among the widow and Children of the Said Ebenezer pursuant to Law: Provided that before any Such Sale be made, the Pet<sup>r</sup> observes the direction of the Law made in the Sixth of King George relating to Exors and Admors Sale of Real Estates and give Sufficient Security to the Judge for Probate of Wills &a for the County of Worcester for the faithful performance of this Order.<sup>2</sup> [Passed June 15.<sup>3</sup>

Legislative  
Records of the  
Council, xix.,  
212. Mass.  
Archives,  
xviii., 636.

Mass.  
Archives,  
xviii., 635.  
Province  
Laws, ii., 151,  
chap. 10.

<sup>1</sup> *Sic*, for "Funeral," in Secretary's copy, Legislative Records of the Council, xix., 223.

<sup>2</sup> Not found in the House Journal.

<sup>3</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is June 27.

## CHAPTER 29.

## ORDER ALLOWING £8 TO JOSEPH BANE.

Legislative  
Records of the  
Council, xix.,  
197. Mass.  
Archives,  
lxixiii., 684.

Mass.  
Archives,  
lxixiii., 684.  
House Jour-  
nal. p. 32.  
*Ante*, p. 354,  
chap. 227.

A PETITION of Joseph Bane Interpreter of the Indian Language at the Fort at St Georges River, setting forth the Insufficiency of his Wages, for the Support of himself & Family, praying for a further Allowance,

Read and

*Ordered* that the Pet<sup>r</sup> be allowed out of the publick Treasury the Sum of Eight pounds in addition to his former allowance to Support him the present Year. [Passed June 16.]

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## CHAPTER 30.

ORDER ALLOWING £3 TO ALEX<sup>A</sup> TARRANT.

Legislative  
Records of the  
Council, xix.,  
198. Mass.  
Archives,  
lxixiii., 685.

Mass.  
Archives,  
lxixiii., 685.  
House Jour-  
nal, pp. 19, 32.  
*Ante*, p. 275,  
chap. 34.

A PETITION of Alexander Tarrant of Salem praying for some further allowance from this Court in Consideration of the Wounds he received in the Expedition against Cape Breton, by which he is disabled from labouring for his Support.

Read and

*Ordered* that the Pet<sup>r</sup> be allowed the Sum of three pounds out of the publick Treasury in consideration of his Sufferings within mentioned. [Passed June 16.]

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## CHAPTER 31.

## ORDER ON THE PETITION OF THOMAS AND OLIVER DUNSMORE AND THOMAS SWEETMAN REQUESTING A CONFIRMATION OF THEIR ORIGINAL GRANTS.

Legislative  
Records of the  
Council, xix.,  
198. Mass.  
Archives,  
lxvi., 229.

Mass.  
Archives,  
xvi., 228.  
Maps and  
Plans, Mis.,  
xxxv., 3.  
House Jour-  
nal, pp. 15, 28.

A PETITION of Thomas Dunsmore, Oliver Dunsmore & Thomas Sweetman, shewing that they are settled upon Three Hundred Acres of Land Granted<sup>1</sup> to them by the General Court, bounded Southerly upon Brookfield North Line, Easterly upon Hatch's Farm, Westerly and Northerly upon Ware River, that they neglected to take Copies of the said Grant, before the burning of the Court house, when the originals were Consumed, Therefore praying that this Court would confirm said Grant to the Petitioners.

Read and

*Ordered* that each one of the Petitioners Shall have and Enjoy an equal Share of the Land herein mentioned, and have the benefit of their own Labours and Improvements on said Land. [Passed June 16.]

<sup>1</sup> The record of this grant has not been found.

## CHAPTER 32.

## ORDER ESTABLISHING THE BOUNDS OF THE WARE RIVER PARISH AND CALLING A TOWN MEETING.

A PETITION of Timothy Brown for himself & divers others Inhabitants of the Settlement upon Ware River, shewing that in the Year 1742, the said Lands there, including the Equivalent Lands, belonging to Jn<sup>o</sup> Read Esq<sup>r</sup> now dec<sup>d</sup> were erected into a Precinct, that divers Persons inhabiting within the Limits of ye said Precinct, take advantage from some ambiguous Expressions in the Vote for constituting the Same, to refuse a compliance with their Duty as Members thereof, therefore praying for an Explanation of said Vote.

Read and

*Ordered* that the Bounds of the within mentioned Parish be Established as follows Viz. Beginning at the South East Corner of M<sup>r</sup> Read's ten thousand Acres of equivalent land so called from thence to run due East to Western Line.

then Easterly to Brookfield line, thence on Brookfield line to Ware river, from thence on Ware river to Hardwick line, from thence on Hardwick line to the said equivalent Land, from thence running round on the bounds of the said equivalent Land to the first Mentioned Boundary including the whole of the said ten thousand Acres.

And Whereas the said Parish have failed of Chusing their Officers for the present Year

*Ordered* that the Comm<sup>ee</sup> for the last Year be and they hereby are Impowered to Issue their Warrant to Couvene the Inhabitants of said Parish qualifiyed by Law to Vote &c to Chuse Officers for the present Year, and to raise such Sum or Sums of Money as shall be thought necessary to defrey the Charges of said Parish. [Passed June 19.

Legislative Records of the Council, xix., 198. Mass. Archives, cxv., 703.

Mass. Archives, cxv., 704. House Journal, pp. 22, 33, 34. Prov. ince Laws, xiii., 177, chap. 115.

## CHAPTER 33.

## ORDER REFERRING THE PETITION OF JOSEPH MOFFAT.

Legislative Records of the Council, xix., 199. Mass. Archives, xliii., 99.

Mass. Archives, xliii., 100. House Journal, p. 33.

ON THE PETITION of Joseph Moffat, [*ante*, p. 375, chap. 281] Read, together with the Answer of Aaron Nelson, Attorney of the withinnamed James Mackmasters, and

*Ordered* that the Consideration of this Affair be referr'd to the Second wednesday of the next Sitting of the Court. [Passed June 19.

*Ante*, p. 375, chap. 281.

## CHAPTER 34.

## ORDER DECLARING AN ASSESSMENT ON THE TOWN OF WAREHAM NULL AND VOID, AND DIRECTING A NEW ASSESSMENT.

A PETITION of Arthur Hatheway & twelve others Inhabitants of the Town of Wareham, Complaining of the Proceedings of the Assessors of the said Town in laying the whole Province Tax upon Polls & none upon Estates which is a Great Oppression upon the poorer Sort, who have applied to the said Assessors for releif, but are denied, therefore praying that this Court would give Order for a more just apportioning of the said Tax

Legislative Records of the Council, xix., 199. Mass. Archives, cxv., 696.

Mass. Archives, cxv., 695. House Journal, p. 32.

Read and the following Vote pass'd. Viz<sup>t</sup> Whereas the Assessors of the Town of Wareham in their last Assessment raisd their Tax wholly upon the Polls It is hereby

*Ordered* that said Assessment be null and void (and the Collectors are directed to return them to the said Assessors) And the said Assessors are hereby directed and impowered to make a new Assessment according to the following Rule Viz. One third part thereof to be Levied on Polls, the remainder on the real and personal Estates in proportion. And that the future Taxes be made agreeable to this Rule till the further Order of this Court. [Passed June 19.]

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## CHAPTER 35.

### VOTE IN REGARD TO NEW TOWNS NOT FULLFILL<sup>G</sup> THE CONDITIONS OF THEIR GRANTS.

Legislative Records of the Council, xix., 204.  
House Journal, p. 36.

In the House of Represent<sup>ves</sup>

Whereas this House is informed that of the many Townships granted by the General Court for a considerable Number of Years last past, but very few, if any, have fulfilled the Conditions of their Grants & thereby the good designs in making them, have been in a great Measure eluded Therefore

*Voted* that the Clerks of the several Towns granted by the General Court for thirty Years last past, be and hereby are *Ordered* to lodge in the Secretarys Office on or before the twentieth of December next, attested Copies of such Grants with an Accompt of the names of the Persons, who have & who have not fulfilled the Conditions of the same also

*Voted* that this Order of Court be inserted in all the publick Prints for three Weeks successively, That no Town Clerk may plead Ignorance by <sup>1</sup> conform himself accordingly.

In Council Read & Concur'd. [Passed June 21.]

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## CHAPTER 36.

### ORDER OF NOTICE ON THE PET<sup>N</sup> OF DIVERS INHAB<sup>T</sup>S OF SALEM IN REGARD TO TAXATION.

Legislative Records of the Council, xix., 205. Mass. Archives, cxv., 592.  
House Journal, p. 37.

*Ante*, p. 394,  
chap. 333.

A PETITION of a considerable Number of Inhabitants of the Town of Salem, setting forth the particular Circumstances of said Town, with respect to the raising their Taxes, & praying that the Assessments by their Assessors made in the Year 1749, may be confirmed by this Court, notwithstanding the Resolve pass'd by the General Court thereon in April last

Read and

*Ordered* that the Pet<sup>rs</sup> serve the Clerk of the Town of Salem with a copy of this Pet<sup>n</sup> that they shew cause if any they have on fryday the 29<sup>th</sup> Curr<sup>t</sup> if the Court be then sitting if not on the first thursday of the next sitting of this Court why the Prayer thereof should not be granted. [Passed June 21.]

<sup>1</sup> *Sic*, for "but." See State Library copy, Legislative Records of the Council, xix., 215.

## CHAPTER 37.

ORDER OF NOTICE WITH STAY OF PROCEEDINGS ON THE PETITION  
OF CAPT JN<sup>o</sup> WENDELL IN REGARD TO BOUNDARY LINES.

A PETITION of John Wendell of Boston Merchant, setting forth the Difficulties he is under in relation to Lands which he holds within the County of Suffolk, for want of a full Settlement of the Boundary Line between the late Colonies of the Massachusetts Bay & new Plimouth, & between the Counties of Suffolk & Plimouth, praying that this Court would take such Orders in this Matter as to adjust all Disputes about said Line, & more especially a Controversy between the Petitioner & Robert Howard

Legislative Records of the Council, xix., 207. Mass. Archives, cxv. 667.

Mass. Archives, cxv., 664–667. House Journal, p. 38. Ante, p. 149. chap. 21; p. 155, chap. 33.

Read and

*Ordered* that the Pet<sup>r</sup> serve Robert Howard within named with a copy of this Pet<sup>n</sup> that He may shew cause if any He hath on the second fryday of the next Sitting of this Court why the Prayer thereof should not be granted And all Processes in the Law are Stayed in the mean time. [Passed June 21.<sup>1</sup>

## CHAPTER 38.

## ORDER ALLOWING £2. 13. 4 TO WILLIAM THORN.

A PETITION of William Thorn, setting forth his Sufferings from the Enemy whilst he was a Soldier in the Service of the Province & praying for an Allowance out of the publick Treasury for his releif

Legislative Records of the Council, xix., 208. Mass. Archives, lxxiii., 691.

Read and

*Ordered* that the Pet<sup>r</sup> be allowed the Sum of two pounds thirteen Shillings and four pence in consideration of his Sufferings within mentioned. [Passed June 21.<sup>2</sup>

Mass. Archives, lxxiii., 691. House Journal, pp. 32, 37.

## CHAPTER 39.

## VOTE FOR THE ESTABLISHMT OF THE FORCES &amp; GARISONS ON THE EASTERN AND WESTERN FRONTIERS.

*Voted* that the Establishment of the Several officers & Soldiers at y<sup>e</sup> Several forts and Garrisons, on the Eastern and Western Frontiers be as follows: (Vizt

Legislative Records of the Council, xix., 206. Mass. Archives, lxxiii., 693.

At the Truckhouse on St Georges River Including one Captain, one Serjeant, and an Armourer . . . . .	Sixteen men
At Pemiquid Fort Including one Serjeant . . . . .	Six men
At Fort George, Including one Serjeant . . . . .	four men
At Richmond Fort Including one Lieutenant one Corporal and an Armourer . . . . .	fourteen men
At Saco Blockhouse, Including one Lieutenant & one Corporal . . . . .	Eight men
At Fort massachusetts, Including one Captain and one Serjeant . . . . .	fifteen men
At Fort Dummer, Including, on Lieutenant and one Corporal . . . . .	Ten men
At Fort N <sup>o</sup> 4 Including, one Captain & one Serjeant . . . . .	fifteen men

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is June 23.

<sup>2</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is June 25.

And that the afforesaid officers. and Soldiers be allowed and paid out of the Publik Treasury, p month.

To Each Captain, the Sum of, Two pound, Two Shillings & Eight Pence  
 To Each Lieutenant, y<sup>e</sup> Sum of, one pound Twelue Shillings & four pence half penny  
 To Each Serjeant, y<sup>e</sup> Sum of, one pound Eight Shillings and a penny  
 To Each Corporal, the Sum of, one pound Eight Shillings  
 To Each Private Centinel, the Sum of one pound, one Shilling, & four pence

And that the muster Rolls for the future be made up agreeable To this Establishment accordingly. [Passed June 22.]

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## CHAPTER 40.

### ORDER CONFIRMING THE PROCEEDINGS AT MEETINGS OF NEWBERRY THIRD PARISH AND CALLING ANOTHER MEETING.

Legislative Records of the Council, xix., 185. Mass. Archives, cxv., 676.

Mass. Archives, cxv., 675-678. Legislative Records of the Council, xix., 207. House Journal, pp. 10, 11, 41.

A MEMORIAL of John Greenleaf Esqr & others, of the third Parish in Newbury, shewing that the said Parish have been in the practice of having their Parish Meeting called by their Assessors, which ought to be done by the Parish Committee; And forasmuch as the Memorialists apprehend that there is some Danger of the Proceedings of the said Meetings being contested in the Law, to the great Disquietment of the said Parish, Therefore Praying that this Court would ratify the said Proceedings, notwithstanding the said Defect:

Read, together with the Vote of the third Parish of Newbury, and the petition of Timothy Toppan &<sup>a</sup> of the said Parish, and the matter being duly considered,

*Ordered* that the Prayer of the Petition be So far granted as that all the Proceedings of the Said Parish at the meetings within mentioned be and hereby are confirmed; are deemed as good and valid as if the meetings had been called by a Committee; and John Greenleaf Esqr one of the principal Inhabitants of the Said Parish, is impower'd and directed to issue his Warrant for the assembling of the Said Precinct to choose Such Officers, and to transact Such Matters and Things as are necessary for the ordering of the Parish. [Passed June 22.]<sup>1</sup>

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## CHAPTER 41.

### ORDER PROHIBITING STRIP OR WASTE ON LAND OF CPT WENDELL.

Legislative Records of the Council, xix., 208. Mass. Archives, cxv., 668.

Mass. Archives, cxv., 664. *Ante*, p. 423, chap. 37.

WHEREAS an order on the Petition of Capt<sup>n</sup> John Wendell passed this Present Session of the General Court to Serve Robert Howard with a Copy of Said petition that he should Shew Cause if any he had on the Second Fryday of the next Sitting of this Court why the prayer thereof Should not be granted and that all Process in the Law Should be Stay'd in the mean Time. which order has passed the whole Legislature, and there being no provision made in Said order that the Partys Should be prohibited making any Strip or Waste on the Lands in Controversy in the mean Time: WHEREFORE

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is June 23.

*Resolved* and it is hereby ordered that the partys are prohibited making any Strip or Waste on the Lands in Controversy in the mean Time.<sup>1</sup> [Passed June 23.<sup>2</sup>

## CHAPTER 42.

### ORDER ON THE PETITION OF REV'D M<sup>R</sup> JN<sup>O</sup> ROGERS FOR PAYMENT OF HIS SALARY.

A PETITION of M<sup>r</sup> John Rogers pastor of the first Church in Boxford, shewing that his People having for a long Time withheld his Support, he applied to the Court of General Sessions of the Peace for the County of Essex, who pass'd an Order for the payment of his Salary, but the Warrant for levying the same has been neglected & eluded by the Constables to whom it was committed, Therefore praying for releif from this Court

Legislative Records of the Council, xix., 208. Mass. Archives, xiii., 157.

Read & In Answer to this Petition

Mass. Archives, xiii., 156-164. House Journal, pp. 42, 43.

*Ordered* that M<sup>r</sup> Benjamin Porter of Boxford be & hereby is impowered & directed, as soon as may be, to collect the Sum Total of the Assessm<sup>t</sup> within refer'd to, & pay the Same to the Petitioner or such Person as he Shall appoint to receive the same, for his Use. And the Justices of the Court of General Sessions of the Peace within & for the County of Essex are also impowered & directed to allow the said Porter Such Sum, as they shall Judge reasonable for his Trouble; And in Case the first Precinct in Boxford do refuse or Neglect by the Space of four Months to cause the Same to be Assess'd & pay'd, that then the said Justices order such Sum to be raised & collected, pursuant to the Directions of the Law.

[Passed June 23.<sup>3</sup>

## CHAPTER 43.

### ORDER OF NOTICE WITH PROHIBITION OF STRIP OR WASTE ON THE PET<sup>N</sup> OF JN<sup>O</sup> THAYER & OTHERS IN REGARD TO LANDS.

A PETITION of John Thayer & others Proprietors of Land lying on or near the Patent Line, between the Massachusetts Bay & New Plimouth, shewing that many Disputes have arisen in the Law between the Petitioners and others for want of a Settlement of the said Line & thereby of the Line between the Counties of Suffolk & Plimouth. And therefore praying that this Court would determine on which side of the said Line, the Lands in dispute do ly

Legislative Records of the Council, xix., 210.

Read &

Mass. Archives, xlvi., 221-224; cxv., 664-668. Ante, p. 389, chap. 322.

*Ordered* that the Petitioners serve Robert Howard of Bridgwater with a Copy of this Petition, that he shew cause if any he hath, on the second Friday of the next sitting of this Court, why the Prayer thereof should not be granted, and the Parties are prohibited making any stray<sup>4</sup> or waste on the Lands in Controversy in the mean time.<sup>1</sup> [Passed June 23.<sup>5</sup>

<sup>1</sup> Not found in the House Journal.

<sup>2</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is June 23.

<sup>3</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is June 25.

<sup>4</sup> Sic, for "stroy." See Mass. Archives, xlvi., 224.

<sup>5</sup> There seems to be some discrepancy in regard to the date of this chapter; the date taken is from Mass. Archives, xlvi., 224.

## CHAPTER 44.

VOTE ACCEPTING THE REPORT OF THE COMMITTEE IN REGARD TO  
THE TRIAL OF THE PRISONERS FOR THE MURDER OF INDIANS.

Legislative Records of the Council, xix., 212. Mass. Archives, xxii., 37.

Mass. Archives, xxii., 34—36. Legislative Records of the Council, xix., 169, 207. House Journal, pp. 46, 47. *Ante*, p. 330, chap. 165.  
*Infra*, chap. 45.

THE COMM<sup>TEE</sup> appointed to take under Consideration a Letter signed Asseramo, Cheif of the Wawenock Indians, communicated to the Court by his Hon<sup>r</sup> the Lieut<sup>t</sup> Goverour, are humbly of Opinion that common Justice, as well as the publick Peace, require that some Measures be taken, by the Governm<sup>t</sup> to give them Satisfaction, for the Injuries they have received from some ill minded People, and the Com<sup>tee</sup> are of Opinion that for this Purpose, It is highly expedient that the Prisoners charged with the late Murther committed at the Eastward, & now in York Goal be removed thence to the County of Middlesex, in order to take their Trial at the Superior Court, or Court of Assize to be held there in August next & that an Act be pass'd accordingly. The Comm<sup>tee</sup> are further of opinion that it would be Convenient for one or more of the Chiefs of that Tribe & some of the Relations of the dece<sup>d</sup> to be brought up in Order to see Justice done, in Case the Fact should be proved upon the Prisoners, or that in Case of their being acquitted, they may however be satisfied of the just Intentions of this Governm<sup>t</sup> towards them

JACOB WENDELL by order.

In the House of Rep<sup>ves</sup>

Read and Accepted

In Council; Read & Concurred &

*Voted* that Sam<sup>l</sup> Danforth Esq<sup>r</sup> with such as the Hon<sup>ble</sup> House shall join be a Committee to prepare a Bill<sup>1</sup> for the Trial of the Prisoners within mentioned in the County of Middlesex

In the House of Rep<sup>ves</sup>

Read and Concurred and Mr Trowbridge and Cap White are Joyned in the Affair. [Passed June 26.<sup>2</sup>]

## CHAPTER 45.

Legislative Records of the Council, xix., 209. Mass. Archives, xxii., 38.

Legislative Records of the Council, xix., 111, 121. House Journal, p. 46. *Supra*, chap. 44.

VOTE FOR THE REMOVAL OF SAM<sup>l</sup> BALL & BENJ<sup>a</sup> LEDITE FROM YORK COUNTY GAOL TO MIDDLESEX COUNTY GAOL.

*Voted* that Sam<sup>l</sup> Ball and Benj<sup>a</sup> Ledyte two Persons now in the Goal in the County of York suspected of being concerned in the Murther of An Indian at the Eastward be removed to His Majes<sup>t</sup> Goal in the County of Middlesex at the Charge of the Province. [Passed June 26.]

## CHAPTER 46.

## ORDER ALLOWING £3. 16. 9½ TO NATHAN BARKER.

Legislative Records of the Council, xix.,

A PETITION of Nathan Barker shewing that he served as a Soldier on the Frontiers of this Province, under Capt Jonathan Bane,

<sup>1</sup> The bill failed of passage, House Journal, p. 52 (1750).

<sup>2</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is June 27.

but was by Mistake left out of his Muster-Roll, praying that his Wages may be allow'd

211. Mass.  
Archives,  
Ixxiii., 695.

Read and

*Ordered* that the Pet<sup>r</sup> be allowed and paid out of the publiek Treasury the Sum of three pounds Sixteen shillings and Nine pence half penny in consideration of Wages and Expences within mentioned. [Passed June 26.]

Mass.  
Archives,  
Ixxiii., 694.  
House Jour-  
nal, p. 46 bis.

## CHAPTER 47.

### ORDER ALLOWING THE ACCOT OF THE TREASURER OF YORK COUNTY.

AN ACCOMPT presented by Jeremiah Moulton Esq<sup>r</sup> Treasurer of the County of York for the Year 1749. having been laid before the Court of General Sessions of the Peace for said County & by them allowed

Legislative  
Records of the  
Council, xix.,  
212.  
House Jour-  
nal, pp. 10, 51.

Read &

*Ordered* that this Accompt, be allowed, & that the Ballance thereof, being Ten Pounds, five shillings & three farths<sup>s</sup> the said County is accountable to said Treasurer for. [Passed June 27.]

## CHAPTER 48.

### RESOLVE CONSTRUING THE ACT FOR GRANTING UNTO HIS MAJESTY AN EXCISE UPON WINES AND SPIRITS SOLD BY RETAIL.

WHEREAS in the act made & pass'd in the Twenty first year of His present Majestys Reign, Intituled. an act for granting unto His Majesty an Excise upon Wines & Spirits distill'd, sold by Retail, & upon Limes, Lemmons, & Oranges<sup>1</sup> mention is made of Certain Summs to be paid for the Duties of Excise on Brandy, Rum, & Other the Commodities therein enumerated; as also of Certain Summs to be forfeited & paid for the Violation or non Observance of said act; but no Discrimination is therein made betwixt Lawfull money & Bills of Publiek Credit, nor is it declared whether those Summs Shall be paid (according to their nominal Value) in the one or in the other determinately; by reason whereof Some Doubts & Disputes have arisen and may arise unless prevented by this Court Therefore

Legislative  
Records of the  
Council, xix.,  
213. Mass.  
Archives,  
cxix., 460.  
House Jour-  
nal, p. 51.  
Province  
Laws, iii., 411,  
chap. 4; 449,  
note.

*Resolved*, that by the Several Summs in said act mentioned (either as a Duty of Excise or as a Penalty) were Intended So much in Bills of Publick Credit then last emitted or Value thereof, and no more, and the said act ought so to be understood & Construed, and put in Execution accordingly. [Passed June 28.]

<sup>1</sup> The words "an act . . . & Orauges," Mass. Archives, cxix., 460, are underlined in the original.

## CHAPTER 49.

## ORDER ALLOWING THE ACCOUNT OF THE COMTEE FOR VIEWING NATICK.

Legislative Records of the Council, xix., 215.

An ACCOMPT presented by Samuel Danforth Esqr of the Time & Expences of the Committee of the General Court appointed to view the Precinct of Natick, amounting to the Sum of £6. 4. 3.

Legislative Records of the Council, xviii., 290. House Journal, p. 53.

Ordered that the above Accompt be allowed & that Samuel Danforth Esqr be allow'd & paid out of the publick Treasury, the Sum of Six pounds four shillings & three pence, to be by him repaid to whom it is due, & that said Sum be added to the next Province Tax, of the said Plantation called Natick. [Passed June 28.]

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## CHAPTER 50.

ORDER IMPOWERING ELIS<sup>A</sup> & MARY SEWALL, ADMINISTRATRICES, TO SELL ESTATES.

Legislative Records of the Council, xix., 216. Mass. Archives, xviii., 671.

Mass. Archives, xviii., 668-671. House Journal, pp. 25, 37, 54. Province Laws, ii., 151, chap. 10.

A PETITION of Elizabeth Sewall Widow & Administ<sup>x</sup> to the Estate of Mitchel Sewall late of Salem Esq<sup>r</sup> dec<sup>d</sup> Intestate; & of Mary Sewall, Widow & Administ<sup>x</sup> of Jonathan Sewall late of Boston deed<sup>d</sup> Intestate, setting forth the Difficult & involved Circumstances of the Estates of their respective Intestates, & praying for Liberty to sell their real Estates for paying the Debts thereon.

Ordered that the Prayer of the Petition be granted, & the Pet<sup>r</sup>s Elizabeth & Mary, are hereby impowered, in their Capacities of Administratrices, to the within named Jonathan & Mitchel Sewall, to make Sale of the Estate within mentioned, remaining unsold, & to execute in due form of Law a Deed or Deeds thereof, to such Person or Persons as shall give most for the same; And that the s<sup>d</sup> Pet<sup>r</sup>s Eliz<sup>a</sup> & Mary respectively have the Improvement of One third of the Produce of such part of the Premisses, as their respective Husbands died seized of, (after just Expences of all sorts, Allowed by the Judge for Probate of Wills &c. for the County of Essex, are deducted) for their Lives respectively: The Residue or two Thirds to be paid to the Children of the Intestates of Age, & to the Gaurdian or Guardians of such as are Minors; And what shall remain in the Guardians Hands (upon an Adjustment off their Accompts pur-suant to Law) to be paid unto the said Minors, as they arrive at Age, or shall be married, which Shall first happen. Provided that before such Sale shall be made, the Petition<sup>rs</sup> observe the Directions of the Province Law, pass'd in the 6<sup>th</sup> Year of King George the first, relating to Execut<sup>rs</sup> or Administ<sup>s</sup> Sale of real Estates; And that they respectively give sufficient Security, to the said Judge, that the Principal of the sev<sup>l</sup> Sums allowed them, shall at their respective Deaths, revert to the right Heirs of the s<sup>d</sup> Intestates; also that the Guardians give the like Security to the said Judge for the faithful Discharge of their Trust. [Passed June 29.]

## CHAPTER 51.

ORDER EXTENDING THE TIME FOR THE VOYAGE OF THE MASS<sup>ETTS</sup> FRIGATE.

A MEMORIAL of Joshua Winslow Esqr & others shewing that by reason of the Delay made in the Apprizeement of the Ship Massachusetts Frigate, they lost the proper Season for employing her on the Voyage they proposed to the General Court. Therefore praying that their Term may be lengthned untill Octo<sup>r</sup> 1751. & that they may be allowed their Expences on said Ship.

Read, & it appearing that by reason of unforeseen & unavoidable Accidents, the intended Voyage within mentioned cannot be performed in the twelve Months limited for performing the same in. Therefore

*Ordered* that a further time be allowed the Petitioners for performing the Voyage afores<sup>d</sup> in; And that the same be extended to the first of October 1751, upon the Conditions in the former Order mentioned, Provided the Petitioners shall continue to bear all Charges upon the Ship that may be necessary to preserve her in good repair, & shall continue to keep a sufficient Number of hands in Pay to look after her, & shall execute their Contract with the Gen<sup>l</sup> Court's Committee within ten days from this time. [Passed June 29.

Legislative Records of the Council, xix., 217. Mass. Archives, lxiv., 374.

Mass. Archives, xv<sup>a</sup>., 56-58; lxiv., 372. House Journal, p. 51. Province Laws, iii., 557, note. *Ante*, p. 354, chap. 228.

## CHAPTER 52.

ORDER ON THE PETITION OF NATH<sup>L</sup> BULLARD IN REGARD TO TAKING UP EQUIVALENT LAND.

A PETITION of Nathaniel Bullard, shewing that about twelve years ago, by Leave of the General Court he purchased of Crookhuck,<sup>1</sup> Twenty Acres of Land in Natick, which proved afterwards to be the right of the Heirs of John Petame, wherenupon the Proprietors of Natick, by their Vote of the 15<sup>th</sup> of May 1749. Granted the Petitioner an Equivalent for the Same, which was approved of by the Indians Guardians, praying that it may be confirmed by the Court.

Legislative Records of the Council, xix., 217.

Mass. Archives, xlii., 66-89. House Journal, p. 50. Province Laws, xii., 228, chap. 233.

Read &

*Ordered* that the Prayer of the Petition be granted, & the Vote above referred to, is hereby approved & Confirmed accordingly. [Passed June 29.

## CHAPTER 53.

## ORDER IMPOWERING JOSHUA BRAND, INDIAN, TO SELL LAND TO PAY DEBTS.

A PETITION of Joshua Brand of Natick Indian, shewing that he has contracted a great Debt, by means of his great Charges in the Law, for defending his right to his Lands there, praying for Liberty to sell Twenty Acres of the said Land, for clearing his Debts The Indian Guardians having approved thereof.

Legislative Records of the Council, xix., 217. Mass. Archives, xxxii., 168.

Mass. Archives,

<sup>1</sup> The House Journal, p. 50, reads, "James Coochuck."

xxxii., 16.  
Legislative  
Records of the  
Council, xviii.,  
43. House  
Journal, p. 50.

Read and

*Ordered* that the Prayer of this Pet<sup>n</sup> be granted, and the Pet<sup>r</sup> is hereby allowed (with the advice and assistance of the Guardians of the Indians) to Sell the within mentioned Twenty Acres of Land accordingly. [Passed June 29.]

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## CHAPTER 54.

### ORDER ON THE PETITION OF M<sup>r</sup> TH<sup>o</sup> WELD IN REGARD TO SALARY.

Legislative  
Records of the  
Council, xix.,  
217. Mass.  
Archives, xlii.,  
154.

Mass.  
Archives, xiii.,  
151—154. House  
Journal, pp. 52,  
54. *Ante*,  
p. 392, chap.  
328.

A MEMORIAL of M<sup>r</sup> Thomas Weld, Pastor of the first Church in Middleborough. Complaining of the Proceedings of the Parish & their Comm<sup>tee</sup> (more especially of their Disobedience to an Order of the General Court, pass'd on the Petition preferred by Peter Oliver Esq<sup>r</sup> & others in April last) Complaining also of the Proceedings of an Ecclesiastical Council, held there this present Month And praying for some proper releif from this Court.

Read &

*Ordered* that the Petition<sup>r</sup> serve the 1<sup>st</sup> Church & Parish in Middleborō with a Copy of this Pet<sup>n</sup> that they may make Answer thereto on the first Tuesday of the next Sitting of the Court. And in as much as in the Result of the Council called by the Church, & conven'd at Middleborō the 13<sup>th</sup> Jnne 1750, & refer'd to in the Petition, no Reason is given for the Dismissal of M<sup>r</sup> Weld from the Pastoral Care there, except, an Alienation of the Minds of the People, & the Cause of such Alienation is not Assigned, therefore

*Ordered* that the said Result shall be deemd to have no Effect, with respect to the Petitioner's legal Right or Title to a Support from the People, until the Answer as above directed, shall be given in, & considered by this Court. Provided always, that if before the first Tuesday of the next Sitting of this Court, a Councel shall be mutually chosen by the Minister & People, & shall come into any Determination or Result, this Vote or Order shall be come void & have no further Effect. [Passed June 29.]

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## CHAPTER 55.

### ORDER ALLOWING £2. 2. 8 PER MONTH TO CPT. WM LITHGOW.

Legislative  
Records of the  
Council, xix.,  
220. Mass.  
Archives,  
lxixiiii., 697.

Mass.  
Archives,  
lxxiiii., 696.  
House Jour-  
nal, pp. 55, 57.

A PETITION of Capt William Lithgow Commander of Richmond Fort, setting forth the Insufficiency of his Wages, in the last establishm<sup>t</sup> for his Support, & praying for an Augmentation of the Same

Read and

*Ordered* that the Prayer of the Petition be granted and that the Pet<sup>r</sup> be allowed the Sum of two pounds two Shillings and Eight pence per Month accordingly. [Passed June 30.<sup>1</sup>]

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is July 3.

## CHAPTER 56.

ORDER REFERRING THE PETITION OF SAM<sup>L</sup> STEVENS TO A COMMITTEE.

A PETITION of Samuel Stevens of Roxbury, one of the Partners in the late Land Bank Scheeme, complaining of great Wrongs & Oppressions, more especially from the Conduct of the Commissioners, appointed for settling & adjusting that Affair, praying for relief from this Court

Read &

*Ordered* that this Petition, be committed to the Gentlemen appointed to consider the Petition of John Brown & others. [Passed July 2.

Legislative Records of the Council, xix., 219.

Legislative Records of the Council, xix., 152 *ibis*, 154, 159, 163, 164, 168, 203. House Journal, p. 212 (April, 1750); pp. 15, 17. Province Laws, iii., 118, chap. 17. *Ante*, p. 129, chap. 326. *Infra*, chap. 57.

## CHAPTER 57.

ORDER DIRECTING THE COMMISS<sup>RS</sup> OF THE LAND BANK TO LAY IN Y<sup>E</sup> ACCOT.

Legislative Records of the Council, xix., 219.

*Ordered* that the Commissioners appointed by this Court for adjusting & finishing the Affairs of the late Land Bank, or Manufactory Sheme, lay an Accompt of their Proceedings therein before this Court on the first day of their next Sitting. [Passed July 2.

House Journal, p. 59. Province Laws, iii., 118, chap. 17. *Supra*, chap. 56.

## CHAPTER 58.

## ORDER ALLOWING £2. 13. 4 TO PATRICK BURN.

A PETITION of Patrick Burn, shewing that by reason of the Wounds, which he received in the late Expedition against Cape Breton, he is still disabled from labouring for his Support, praying for an allowance from this Court

Read and

*Ordered* that the Comm<sup>e</sup>e of War be directed to pay to the Select Men of the Town of Wenham Two pounds thirteen Shillings and four pence for the Use of the Petitioner in Consideration of his Sufferings herein mentioned. [Passed July 2.

Legislative Records of the Council, xix., 219. Mass. Archives, Ixiii., 689.

Mass. Archives, Ixiii., 688. House Journal, pp. 55, 56. Province Laws, xiiii., 465, chap. 1. *Ante*, p. 337, chap. 181.

## CHAPTER 59.

ORDER DIRECTING THE EMPLOYMENT OF THE SLOOP MASSACHUS<sup>TS</sup>, CAPT SAUNDERS.

In the House of Rep<sup>ves</sup>  
Whereas Cap<sup>t</sup> Thos<sup>s</sup> Sanders has this day offerd this House to continue in the service of this Government with the sloop Mass<sup>a</sup> to find five Men, and to Victual and pay them for two Hundred pounds a Year Therefore

Legislative Records of the Council, xix., 219. Mass. Archives, Ixiv., 385.

Legislative Records of the Council, xviii.,

*Ordered* that He and the Sloop aforesaid be again taken into the

368. House Journal, pp. 34, 56, 57. *Ante,* p. 149, chap. 20. Service of this Government for one Year next Ensuing the End of the last Establishment upon the Wages aforesaid  
In Councel Read & Concur'd. [Passed July 3.]

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## CHAPTER 60.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE IN REGARD TO THE TRIAL OF BALL & LEDITE FOR THE MURDER OF INDIANS.

Legislative Records of the Council, xix., 220. Mass. Archives, xxii., 44.  
Mass. Archives, xxii., 9, 42.  
Legislative Records of the Council, xix., 218. House Journal, pp. 56, 59, 60. Province Laws, i., 719, chap. 5; ii., 319, chap. 1. *Ante*, p. 426, chap. 45.

JOHN QUINCY Esq<sup>r</sup> from the Committee on the Affair of the Trial of Ball & Ledite gave in the following Report viz

The Comm<sup>ttee</sup> having attended the Service, report as their Opinion, That his Honour the Lieutent<sup>t</sup> Governoour, be desired to send for the Widow, & any other near Relations of the murthered Indian, also the two wounded Indians, to come up to Boston as soon as may be, as also a Number of the Chiefs or (if the Cheifs cannot readily be notified) other Indians of the Tribe, to which the said Indian belonged, And that his Hon<sup>r</sup> be desired with the Advice of the Councel, to take such Measures with said Indians, as shall appear to be necessary to preserve the Peace. The Comm<sup>ttee</sup> further report that a Bill be brought in to explain the Province Law, entitled an Act for holding special Courts of Asize & General Goal delivery, And also another Act intitled an Act in addition to the Act aforesaid. which is humbly submitted

JOHN QUINCY  $\wp$  Order

Read &

*Ordered* that this Report be accepted, And that this Committee prepare the Draught of a Bill referring to special Courts of Assize &c. [Passed July 3.]

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## CHAPTER 61.

### ORDER REFERRING THE PETITION OF DAN'L EPES, ESQ<sup>r</sup>, & OTHERS OF SALEM, IN REGARD TO TAXATION.

Legislative Records of the Council, xix., 220. Mass. Archives, cxv., 595.  
Mass. Archives, cxv., 594. *Ante*, p. 422, chap. 36.

A MEMORIAL of Daniel Epes Esq<sup>r</sup> for himself & other Inhabitants of Salem, shewing that they had not Opportunity of seasonably serving the Clerk of the said Town w<sup>th</sup> a Copy of their Petition (enter'd the 21<sup>st</sup> of last Month) & praying that it may be referred to the first Thursday of the next sitting of this Court

Read and

*Ordered* that the Prayer of this Mem<sup>o</sup> be granted and that the Town Clerk within mentiond be Notifyed of this Order accordingly.<sup>1</sup> [Passed July 3.]

<sup>1</sup> Not found in the House Journal.

## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-SIXTH DAY OF SEPTEMBER, A.D.  
1750.

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### CHAPTER 62.

#### ORDER ALLOWING £40 ADDITIONAL TO THE SECRETARY FOR A CLERK.

A MEMORIAL of Josiah Willard Esq<sup>r</sup> shewing that the Allowance made by this Court to enable him to provide An Assistant in his Office, ended the twelfth of June last, & praying that further Provision may be made

Legislative Records of the Council, xix., 222.

Read &

House Journal, pp. 63, 64.  
Ante, p. 290, chap. 73.

*Ordered* that the Sum of Forty Pounds be allowed & paid out of the publick Treasury to the Memorialist to enable him to procure Assistance in his Office the current Year, in consideration of his Indisposition of Body. [Passed September 27.]

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### CHAPTER 63.

#### ORDER ALLOWING THE ACCO<sup>T</sup> OF THE TREAS<sup>R</sup> OF PLIM<sup>O</sup> COUNTY.

AN ACCOMPT presented by Edward Winslow Esq<sup>r</sup> Treasurer of the County of Plimouth for the Year 1749, having been by him laid before the Court of General Sessions of the Peace for said County & by them allowed,

Legislative Records of the Council, xix., 222.

Read &

House Journal, pp. 19, 63, 65.

*Ordered* that the above Account be allowed, and that the Ballance thereof being seventy four Ponnds & six pence, Lawfull Money the said Treasurer is further accountable to said County for. [Passed September 28.]

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### CHAPTER 64.

#### ORDER ALLOWING THE ACCOUNT OF THE TREAS<sup>R</sup> OF ESSEX CO.

AN ACCOMPT presented by Daniel Appleton Esq<sup>r</sup> Treasurer of the County of Essex for the Years 1748. & 1749, having been laid before the Court of General Sessions of the the<sup>1</sup> Peace for said County & by them allowed

Legislative Records of the Council, xix., 223. Mass. Archives, cxlvii., 199.

Read and

Mass. Archives, cxlvii., 199.

*Ordered* that the within Acc<sup>t</sup> be allowed, and that the Balla<sup>a</sup>

<sup>1</sup> *Sic.*

House Journal, pp. 10, 63, 64. thereof being Sixty Seven Pounds thirteen Shillings one penny half penny Lawful Money, the within named Treasurer be further Accountable to Said County for. [Passed September 28.]

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## CHAPTER 65.

### ORDER ALLOWING THE ACCOUNT OF THE TREAS<sup>R</sup> OF BRISTOL CO.

Legislative Records of the Council, xix., 223. Mass. Archives, cexlvii., 202.

Mass. Archives, cexlvii., 202. House Journal, pp. 10, 63, 65.

AN ACCOMPT presented by Robert Lyscomb,<sup>1</sup> Treasurer of the County of Bristol in the Year 1749, having been by him laid before the Court of General Sessions of the Peace for said County & by them allowed

[Read &]

*Ordered* that the above Acc<sup>t</sup> be allowed, and that the Ball<sup>a</sup> thereof being One pound Eight Shillings seven pence three farthings and Eleven fifteenths Lawful Money The said County be further Accountable to the abovenamed said Treasurer for. [Passed September 28.]

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## CHAPTER 66.

### VOTE FOR RAISING SOLDIERS FOR THE DEFENCE OF THE EASTERN FRONTIERS.

Legislative Records of the Council, xix., 223. Mass. Archives, lxxiii., 720.

House Journal, p. 66.

*Voted* that His Hon<sup>r</sup> the Lieut<sup>r</sup> Gov<sup>r</sup> be desir'd to Cause to be rais'd (as soon as may be) One hundred and fifty Men in the Town of Falmouth, and the Towns to the Westward of Falmouth in the County of York by enlisting or impressing, including those already rais'd by Lieut<sup>r</sup> Col<sup>o</sup> Cushing, for the protection and defence of the Inhabitants in the Eastern Frontiers to the Eastward of Falmouth (saving ten Men to be Posted at Phillip's Town) in getting in their Harvest.

And that Usual Pay and Subsistance be allowed for said Men accordingly till the first of November next And that the Men already Enlisted or Impressed by Lieut<sup>r</sup> Col<sup>o</sup> Cushing to the Eastward of Falmouth be dismiss'd; And that his Honor be desired to take proper Officers from the Places where the Men are enlisted or impress'd. [Passed September 28.<sup>2</sup>]

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## CHAPTER 67.

### VOTE FOR SEND<sup>G</sup> AMMUNITION EASTWARD.

Legislative Records of the Council, xix., 223. Mass. Archives, lxxiii., 725. House Journal, p. 66.

*Voted* That his Honour the Lieut<sup>r</sup> Gov<sup>r</sup> be desired to order one half lb Gun powder & Ball & flints in proportion to Capt Jonathan Williamson of Wiscasset for the use of that place, As also the like Quantity of powder & Ball & flints to Capt Alex<sup>r</sup> Nicholls of Sheepscutt for the Use of that place, in this Time of Danger, the s<sup>d</sup> Williamson & Nicholls to be accomptable. [Passed September 29.]

<sup>1</sup> Mass. Archives, cexlvii., 202, gives the signature as Robert Luscombe.

<sup>2</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is September 29.

## CHAPTER 68.

ORDER ALLOWING TO EDW<sup>D</sup> EVELETH HIS ACCOUNT FOR SUBSISTENCE AND STORES.

A PETITION of Edward Eveleth Esq<sup>r</sup> shewing that in April Last this Court made a Grant to him for what he had advanced for Subsistence of Soldiers &c in the late Expedition against Cape Breton, but gave no particular Orders to any Officer to discharge that Demand, praying for more particuliar Orders in the Affair

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and that the Commissary Gen<sup>r</sup> be directed to pay the Pet<sup>r</sup> Usual Subsistance of the Persons in the first Pet<sup>n</sup> mentioned being in the whole five hundred and Nine Days.

And that He be also paid by the said Commissary His Acc<sup>t</sup> of Expences of twenty Six Gallons of Rum, twelve Gallons and three quarts of Molasses. And ten pounds of Sugar, agreeable to the Order of the 7<sup>th</sup> of April accordingly. [Passed October 2.

Legislative Records of the Council, xix., 224. Mass. Archives, lxxiii., 523.

Mass. Archives, lxxiii., 523. House Journal, pp. 70, 71. *Ante*, p. 384, chap. 308.

## CHAPTER 69.

ORDER ALLOWING £8. 7. 6 TO ROBT HALE ESQ<sup>R</sup>.

A PETITION of Robert Hale Esq<sup>r</sup> Sheriff of the County of Essex, setting forth his & his under Officers Services, Time & Expences in removing Obadiah Albee from the Goal in Salem to the Goal in York, by order of the Court of Assize & praying for a proper Allowance from this Court

Read and

*Ordered* that Eight pounds Seven Shillgs and Six pence be allowed the Pet<sup>r</sup> out of the Treasury in full for his Service herein mentioned. [Passed October 2.

Legislative Records of the Council, xix., 225. Mass. Archives, xlili., 227.

Mass. Archives, xlili., 226. Legislative Records of the Council, xix., 207 bis. House Journal, pp. 55, 59, 67. *Ante*, p. 330, chap. 165.

## CHAPTER 70.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF SAM<sup>L</sup> BELNAP TO SET ASIDE A JUDGMENT AND GRANT A NEW TRIAL.

A PETITION of Samuel Belknap of Woburn, shewing that upon an Appeal tried at the Inferior Court of Common Pleas for the County of Middlesex at Charlestown in March last the Action being between the Petitioner & James Crosby, the Parties submitted to a Rule of Court, That by the partial Management of the Referrees, The Petitioner has had extreame Wrong done him. & therefore praying that the Award & Judgment thereon may be set aside, & that he may have a new Trial of said Cause

Read and

*Ordered* that the Pet<sup>r</sup> serve the Adverse Partie James Crosby with a Copy of this Pet<sup>n</sup> that He Shew Cause if any He hath on the first fryday of the next Sitting of this Court why the Prayer thereof should not be granted and Execution within mentioned is Stayed in the mean

Legislative Records of the Council, xix., 225. Mass. Archives, xlili., 285.

Mass. Archives, xlili., 277-285. House Journal, p. 70.

time. Provided the Pet<sup>r</sup> give sufficient Security to the Sheriff of the County of Middlesex to pay what shall be finally adjudged due upon the Action within mentioned. [Passed October 2.]

## CHAPTER 71.

### RESOLVE IMPOWERING THE SELECTMEN OF GROTON TO CALL TOWN AND PARISH MEETINGS.

Legislative Records of the Council, xix., 229. Mass. Archives, cxv., 718. A PETITION of the Select Men of The Town of Groton, shewing that Shubael Hubbard, a Collector of Taxes, for the said Town & first Parish there, after having collected a considerable part thereof, was committed to Prison for Debt, & like to remain there, Therefore praying that the said Town & parish, may be impowered to Call a meeting for the choice of another Collector or Collectors that the Assessors for the Year 1749, may be impowered to give out new Warrants for collecting said Taxes, or that they may be received in the Premisses.

Whereas the Inhabitants of the Town of Groton as also the Inhabitants of the first Parish in Said Town were assessed in the year 1749. To the Province Tax as also to the Town Tax & Parish Tax about Two hundred & Sixty Seven pounds new Tenour Bills of which Sum the Province Tax was about one hundred & Eighty Two pounds Eight shillings & four pence Three farthings new Tenour Bills, which Taxes were Committed To one Shebuel Hubbard Jun<sup>r</sup> one of the Constables of Said Town as also one of the Collectors of the Said first Parish to Collect, Out of which he Collected about Eighty pounds Seven shillings & Seven pence Three farthings new new<sup>1</sup> Tenour of the Province Tax but paid none into the Treasury and has also Collected & paid into the Town & Parish Treasury about one half of the Said Town & Parish Tax which he was to Collect and the said Hubbard being now a prisoner in His Majestys Goal in Boston in the County of Suffolk & by that means Disabled from finishing & Compleating his Said Collections. by which means great inconveniences may happen To said Town & Parish Therefore

*Resolved* That the Said Town & first Parish be & hereby are Enabled to Call &<sup>2</sup> Town & Parish meeting & to Choose a Collector or Collectors in the room of Said Hubbard & that the Person or Persons so Chosen are hereby fully impowered to Collect the remaining part of said Assessments & To pay in the same into the Province Town & Parish Treasurys where it is due and that the Province Treasurer and the Assessors for the said Town & Parish for the year 1749, are hereby Enabled to Give new Warrants for Collecting & paying in the same Accordingly and that the Said Hubbard be obliged to acco<sup>t</sup> for what Sums of said assessments he has received & not regularly Discharged himself of and that the person or persons So Chosen in the room of Said Hubbard Shall be under the same penalty for refusing to Serve in said office as is already by Law provided. [Passed October 3.]

<sup>1</sup> *Sic.*

<sup>2</sup> *Sic*, for "a." See Legislative Records of the Council, xix., 230.

## CHAPTER 72.

## ORDER FOR BUILDING A STORE HOUSE ON CASTLE ISLAND AND APPOINTING A COMMITTEE THEREFOR.

In the House of Rep<sup>ves</sup>

*Ordered* that a Convenient House be built at Castle William for the reception and preservation of the Stores belonging to the Royal Battery; and that M<sup>r</sup> Tyng M<sup>r</sup> Pratt and M<sup>r</sup> Bucknam Cause the same to be done in the best & Cheapest Manner. Also

Legislative  
Records of the  
Council, xix.,  
230. Mass.  
Archives,  
lxixii., 716.

*Ordered* that it be an Instruction to the Comm<sup>ee</sup> to Cause any small repairs that are necessary to be effected in like manner

Mass.  
Archives,  
lxixii., 716.  
House Jour.  
nal, pp. 64, 78.

In Council

Read and Concord and Jacob Wendell and Sam<sup>l</sup> Watts Esq<sup>rs</sup> are Joyned in the Affair

In the House of Rep<sup>ves</sup>

Read and Concur'd. [Passed October 3.]

## CHAPTER 73.

## ORDER REFERRING THE PETITION OF ELISHA MARSH.

A PETITION of Elisha Marsh, Minister of the Plantation, called Narragansett Number two, complaining against the Proprietors & Inhabitants of said Place for neglecting to support him according to their Engagements, & praying that this Court would grant him Releif in that Matter

Legislative  
Records of the  
Council, xix.,  
231. Mass.  
Archives, xiii.,  
182.

Read and

*Ordered* That the Consideration of this Memorial be and hereby is referr'd to the Comm<sup>ee</sup>, appointed the 16<sup>th</sup> of April last, to prepare the Draft of a Bill for relief of Ministers in New Townships; and that the Comm<sup>ee</sup> report as Soon as may be. [Passed October 3.]

House Jour.  
nal, p. 77.  
Province  
Laws, iii., 549,  
chap. 21. *Ante*,  
p. 392, chap.  
328.

## CHAPTER 74.

ORDER ALLOWING THE ACCOUNT OF THE TREAS<sup>R</sup> OF MIDS<sup>X</sup> COUNTY.

AN ACCOMPT presented by Daniel Russell Esq<sup>r</sup> Treasurer of the County of Middlesex for the Year 1749, having been by him presented to the Court of General Sessions of the Peace for the said County & by them allowed

Legislative  
Records of the  
Council, xix.,  
232. Mass.  
Archives,  
cxlvii., 188.

Read and

*Ordered* that the within Acc<sup>t</sup> be allowed And that the Ball<sup>a</sup> thereof being Sixty eight pounds twelve Shil<sup>s</sup> and five pence three farthings, the within Named Treasurer is further Accountable to said County for. [Passed October 4.]

House Jour.  
nal, pp. 10, 63,  
78.

## CHAPTER 75.

ORDER ALLOWING THE ACC<sup>T</sup> OF THE TREAS<sup>R</sup> OF SUFFOLK COUNTY.

Legislative  
Records of the  
Council, xix.,  
232.

House Jour-  
nal, pp. 10, 63,  
78.

AN ACCOMPT presented by Edward Winslow Esqr Treasurer of the County of Suffolk for the Year 1749, having been by him presented to the Court of General Sessions of the Peace for said County & by them allowed

Read &

*Ordered* that the within Acc<sup>T</sup> be allowed & that the Ballance thereof being, Twenty Pounds & ten pence New Tenor, being equall to Eleven Pounds fifteen shillings, one penny, one farthing & five fifteenths the within named Treasurer is further Accountable to said County for. [Passed October 4.

## CHAPTER 76.

## ORDER OF NOTICE WITH STAY OF PROCEEDINGS ON THE PETITION OF DANIEL GIDDINGS AND OTHERS IN REGARD TO A MINISTERIAL TAX.

Legislative  
Records of the  
Council, xix.,  
232. Mass.  
Archives, xiii.,  
206.

Mass.  
Archives, xiii.,  
205. House  
Journal, pp. 11,  
79. *Ante*, p. 409,  
chap. 2.

A PETITION of Daniel Giddings & others in behalf of a Society in the second Parish in Ipswich, whereof Mr John Cleveland is Minister, setting forth the great Difficulties they are under by Reason of this Court's establishing the Tax, Voted by the Inhabitants of said Parish, & by the proceedings had in the Law thereupon, whereby they apprehend they shall be extreamly injured & oppressed, & therefore praying relief from this Court, & that Execution against them may be stayed

Read and

*Ordered* that the Pet<sup>rs</sup> serve the Clerk of the Second Parish in Ipswich with a copy of this Pet<sup>n</sup>, that they Shew cause if any they have, on the Second thirsday of the next Sitting of this Court why the Prayer thereof should not be granted And All Proceedings with Respect to Parish Taxes are hereby Stayed in the mean time. [Passed October 4.

## CHAPTER 77.

## ORDER IMPOWERING BENJ. RICHARDSON, ADMINISTRATOR, TO SELL AN ESTATE.

Legislative  
Records of the  
Council, xix.,  
233. Mass.  
Archives,  
xviii., 676.

Mass.  
Archives,  
xviii., 675.  
House Jour-  
nal, pp. 79, 81.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Benjamin Richardson Administ<sup>r</sup> of the Estate of Isaac Richardson late of Woburn dec<sup>d</sup> shewing that the said Isaac was Proprietor of a Right of Land in the Township called Narragansett Number two, which he was about to settle but was prevented by Death, & that he has left only seven small Children & therefore praying that their Guardians may be impowered to sell the said Right for the Benefit of the Children

Read and

*Ordered* that the Pet<sup>r</sup> be and he hereby is allowed and Impowered to make Sale of the land herein mentioned for the most the Same will fetch. He Observing the directions in the Act of the Province relating to the Sale of Intestate Estates, and giving Security to the

Judge of Probate for the County of Middlesex that the produce thereof (after the Just Debts are paid) be applyed for the best advantage of the Minors. [Passed October 4.

## CHAPTER 78.

### ORDER ALLOWING £4 TO JA<sup>S</sup> WILLIAMS, ESQ<sup>R</sup>, AND IMPOWERING THE TREASURER TO COLLECT ARREARS OF TAXES.

A PETITION of James Williams of Taunton, in the County of Bristol Esq<sup>r</sup> shewing that agreeable to the Order of this Court he has received of the Executors of Charles Church Esq<sup>r</sup> late Sherriff of the said County, The Executions for publick Taxes & other publick Papers left in his hands, & has made strict Inquiry about defective Constables in said County & returned an Account thereof: praying that the Court would appoint some Person or Persons to receive the said Executions & other Papers & make some suitable Allowance for the Petitioners Time & Expence in said Service.

Legislative Records of the Council, xix., 233.

House Journal, pp. 67, 78, 81. *Ante*, p. 100, chap. 256; p. 363, chap. 249.

In the House of Representives Read &

Ordered that the Executions & Papers within mentioned be delivered to Sam<sup>t</sup> White Esq<sup>r</sup> of Taunton, to be by him delivered to the Treasurer,

Ordered also that the Sum of Four Pounds be allow'd the Petitioner (or Order) out of the publick Treasury for his Services & Expences within mentioned, Also

Voted that the Treasner be directed, to take the most Speedy & effectual Methods, to recover the Money due to the Province from the Executors of Charles Church Esq<sup>r</sup> late Sherriff of the County of Bristol

In Council Read & Coneurd & Andrew Oliver & Thomas Hutchinson Esq<sup>r</sup> [with such as the honourable House shall appoint,]<sup>1</sup> are a Comm<sup>tee</sup> to consider of some proper Methods of recovering from the several Inhabitants, who by the Order of his Majesty in Council are sett off to Rhode Island the Arrears of Taxes due from them, said Comm<sup>tee</sup> to report as soon as may be In the House of Representives Read & Coneurd, & Mr Trowbridge, Col<sup>o</sup> Otis, & Capt White are joined in the Affair. [Passed October 4.

## CHAPTER 79.

### ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF BARNSTABLE COUNTY.

AN ACCOMPT presented by John Gorham Treasurer for the County of Barnstable for the Year 1749, having been by him laid before the Court of General Sessions of the Peace for the said County & by them allowed

Legislative Records of the Council, xix., 235. Mass. Archives, cxlvii., 167.

Read and

Ordered that the within Aco<sup>t</sup> be allowed and that the Ball<sup>a</sup> thereof being Twenty Seven pounds Seventeen Shill<sup>gs</sup> two pence three farthings and eleven fifteenths Lawful money the present Treasurer is further Accountable to said County for. [Passed October 5.

House Journal, pp. 10, 63, 78.

<sup>1</sup> Inserted from the House Journal, p. 81.

## CHAPTER 80.

Legislative Records of the Council, xix., 235. Mass. Archives, xliv., 99.

Mass. Archives, xlvi., 97. House Journal, p. 84. *Ante*, p. 375, chap. 281; p. 421, chap. 33.

ORDER WITH STAY OF EXECUTION REFERRING THE PETITION OF JOS. MOFFAT.

ON THE PETITION of Joseph Moffat [*ante*, p. 375, chap. 281]

Read together with the Answer of John Worthington Esq<sup>r</sup> Attorney Of Aaron Nelson within named; &

*Ordered* that the Consideration of this Petition be referr'd to the next Sitting of the Court; & Execution is staid in the mean time. [*Passed October 5.*]

## CHAPTER 81.

ORDER ACCEPTING THE REPORT ON THE PET<sup>N</sup> OF YE INHABTS OF NEW BRAINTREE HARDWICK, BROOKFIELD TO BE ERECTED INTO A SEPARATE PRECINCT.

Legislative Records of the Council, xix., 18, 247. Mass. Archives, cxv., 694.

Mass. Archives, cxv., 693. Legislative Records of the Council, xix., 142, 179. House Journal, pp. 29, 83. *Ante*, p. 334, chap. 174.

A PETITION of Eleazar Warner, Thomas Sterns & others, Inhabitants of that Part of Hardwick, that lies on the Easterly & South Easterly side of Ware River, & Inhabitants of the North Part of the Town of Brookfield, & of the Place called New Braintree, Setting forth their Difficulties, by reason of their great Distance from the Places of publick Worship in their respective Towns; & Praying that they may be erected into a separate District, by the Bounds particularly described in the Petition;

The Comm<sup>tee</sup> on the Petition of the Inhabitants of a Tract of Land, in the County of Worcester, called New Braintree, & the Inhabitants on the East Side Ware River being part of the Town of Hardwich, some of the Inhabitants of the North part of Brookfield, & the Inhabitants of the West Wing of Rutland, have attended that Service viewed the Scituation thereof, & heard the Parties concerned & are humbly of Opinion, That the aforesaid Tract of Land called New Braintree, & that Tract of Land on the East side of Ware River, in the Town of Hardwick with the Inhabitants on said Tracts, together with seven Families & their Estates on the North part of the Town of Brookfield be erected into a distinct & separete Precinct, & be invested with Powers & Priviledges, which other Precincts do or by Law ought to enjoy.

N. B. The above mentioned Seven Families on the North part of Brookfield are as follows. viz<sup>t</sup> Joseph Pepper, Moses Abbot, David Gilbert, Sarah Barnes, Ebenezer Spooner, Joseph Pepper & Jonathan Gilbert,

All which is humbly submitted      *p* SAM<sup>L</sup> WATTS *p* order.

Read &

*Voted* that this Report & the Petitions therein refer'd to be revived; & Upon further Consideration thereof;

*Ordered* that the said Report be Accepted & that the Families & Estates within mentioned be set off & constituted a separate Precinct accordingly. [*Passed October 5.<sup>1</sup>*]

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is October 11.

## CHAPTER 82.

ORDER GRANTING TO JON<sup>A</sup> DWIGHT LICENCE TO SELL STRONG DRINK.

A PETITION of Jonathan Dwight of Boston, shewing that he has been an Inholder in said Town divers Years, that at the last Term for granting of Lieences, for the County of Suffolk he was absent upon Important Bussiness, Therefore praying that the Court of General Sessions for the said County may be impowered at their present Term to grant him a Licence, & that he may sell strong Drink in the mean Time,

Legislative Records of the Council, xix., 237. Mass. Archives, cxii., 201.

House Journal, p. 85.

Read and

*Ordered* that the Prayer of this pet<sup>n</sup> be So far granted as that the Justices of the Gen<sup>l</sup> Sessions of the Peace for the County of Suffolk be and hereby are impow<sup>d</sup> at their present Sitting, (upon the Petitioners producing the approbation of the Selectmen of the Town of Boston) to license him for the purpose withinmentioned.

[Passed October 6.

## CHAPTER 83.

## ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE PETITION OF THE INHABITANTS OF FREETOWN, ROCHESTER, DARTMOUTH, AND MIDDLEBORÔ IN REGARD TO ANNEXATION TO THE NEW PRECINCT.

A PETITION of Edward Freeman & others, Inhabitants of the Towns of Freetown, Rochester, Dartmouth & Middleborô, Praying (for Reasons particularly set forth in their Petition) that they may be set off from their respective Precincts, & annexed to the Parish in their Neighbourhood which was established by this Court in the Year 1747.

Legislative Records of the Council, xix., 187, 237. Mass. Archives, xiii., 193.

Mass. Archives, xiii., 192. Legislative Records of the Council, xix., 230. House Journal, pp. 76, 86. Ante, p. 54, chap. 137.

The Committee to whom was refer'd the Petition of several Inhabitants of the Towns of Rochester, Dartmouth, Freetown & Middleborô, having heard the Parties & Considered the Petition, are of opinion that the Petition be so far granted, as that, Caleb Blackwell, Ebenezer Lewis, Thomas Swift, Elisha Freeman of Rochester; Benjamin Pierce, Ebenezer Keen of Dartmouth; Elisha Hatch & Stephen Andrews of Freetown, Joseph Finney<sup>1</sup> & Nathan Morton of Middleborô, with their Families & Estates be annexed to said new Parish, The time limited by the General Court for signing being elapsed Notwithstanding, And the Com<sup>tee</sup> are further of Opinion, thatt all Persons who shall hereafter settle upon the Lands belonging to the Town of Rochester, within Two Miles of the Meeting House in the said Parish, and all Persons who shall hereafter settle upon the Lands belonging to the Towns, of Middleborô, Dartmouth & Freetown within three Miles of the Meeting House in said Parish, & shall in eighteen Months after their Settling, give in their Names, with this their Desire to the Clerk of said Parish, at the annual Meeting, & shall carry a Certificate of the same, to the Clerk of the Town within whose Limits they are settled, shall thenceforward belong to said Parish.

¶ order of the Comm<sup>tee</sup> Jos. WILDER.

Read &

*Ordered* that this Report be & hereby is Accepted. [Passed October 6.

<sup>1</sup> The State Library copy, Legislative Records of the Council, xix., 248, reads, "Finney."

## CHAPTER 84.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE NATICK MEET<sup>G</sup> HOUSE AFFAIR.

Legislative  
Records of the  
Council, xix.,  
232, 237. Mass.  
Archives, xiii.,  
191.

Mass.  
Archives, xiii.,  
190. House  
Journal, pp. 85,  
86. *Ante*,  
p. 294, chap. 84.

A MEMORIAL of the Commissioners for the Corporation for propagating the Gospell among the Indians in New England, setting forth the proceedings had in the District of Natick referring to their Meeting house, & praying that the English Inhabitants who shall subscribe towards the finishing of the Meeting House where it is now rais'd may have the Indulgence, as by this Court was given to those that should subscribe towards the Removal of it.

The Comm<sup>tee</sup> appointed to consider the Memorial of the Commissioners for the Corporation for propagating the Gospell in New England & Parts adjacent in America having duly considered the same, together with the Papers accompanying it, do report as their Opinion, that the Clerk of the Parish of Natick, have a Copy of the said Memorial and that he be directed to call a meeting of the said Parish, & that the Names of all the Voters present be taken down in writing, and that the Moderator propose the Questions, Whether the Parish agree to sett their Meeting house in the Place, proposed by the General Courts Comm<sup>tee</sup> in their Report of the 11<sup>th</sup> of August 1749. not exceeding Forty Rods to the Westward of the House called William Thomas's House. & whether they agree to take the Rev<sup>d</sup> M<sup>r</sup> Peabody the Indian Pastor, to be the Parish Minister? And that these Questions be determined by a Poll of the Voters present, & the Names of the several Voters and on which side they voted, be returned to this Court on the second Friday of the next sitting thereof. And if it shall appear that those Questions are carried in the Affirmative, the Parish shall then proceed to fix & ascertain the particular Spot on which the said Meeting House shall stand as aforesaid. All which being done the Comm<sup>tee</sup> are of Opinion, That the Frame of the Meeting House now raised, be taken down & removed to said Spot, and finished as soon as may be, The Parish's Proportion of the charge of removing & building the same to be determined, & Assessed upon the English Inhabitants in such Manner as this Court shall direct, & that in order to support & maintain the Gospell Ministry for the future in said Parish, at least so long as the Rev<sup>d</sup> M<sup>r</sup> Peabody continues to be their Minister, the several English Inhabitants be assessed so much & no more for their Polls & Estates, as their Polls & Estates would pay annualy to the Ministerial Tax in the Town of Needham, were they Inhabitants of & had such Estate in said Town, Provided also that in said Meeting House, to be placed as aforesaid, suitable Room & Accommodation to be made and at all times reserved for the use of the Indian Inhabitants, But if the Parish in Natick shall not meet, or being met shall not pass upon the Matters beforementioned before the next sitting of this Court, Or if it shall appear that the Questions aforesaid are carried in the Negative, the Comm<sup>tee</sup> are of Opinion that the Meeting House now raisd, be finish'd where it now stands; & that any of the English Inhabitants, who by the return of the list of Voters, shall not appear to have given their Votes against placing the meeting House, near to William Thomas's, or against receiving the Rev<sup>d</sup> M<sup>r</sup> Peabody for the Parish Minister, & who shall subseribe towards building or finishing the Meeting Housse, where it is already rais'd, & towards the Support of the publick Wor-

ship in said Place in such Proportion as if they & their Estates belonged to Needham, and shall within twelve Months give in their names to this Court, all such together with their Estates shall be intirely freed from paying any thing, towards building a Meeting House or Support of the Gospell, any where else in said Natick, and shall not be obliged by any Vote that the Parish may make referring to the Same, so long as they shall continue to pay towards the Support of the publick Worship in proportion as aforesaid, as agreeable to the Subscription proposed, or in such other proportion as they & their Minister shall hereafter agree

By order of the Comm<sup>tee</sup>  
Jos. WILDER

Read and

*Ordered* that this Report be Accepted, & that the Parish in Natick conform themselves accordingly. [Passed October 6.

## CHAPTER 85.

ORDER GRANTING TO SARAH THOMAS LICENCE TO SELL STRONG DRINK.

[PETITION of Sarah Thomas, for license to sell strong drink]

Mass.  
Archives,  
cxix., 477.

Read and

*Ordered* That the Prayer of the Petition be granted and the Jns-  
tices of the General Sessions of the Peace for the County of Suffolk  
are hereby impowered at their present Sitting, (upon the Petitioners  
producing the recommendation of the Selectmen of the Town of  
Boston) to license her for the purpose mentioned in the petition.

Mass.  
Archives,  
cxix., 476.  
House Jour-  
nal, p. 85.

[Passed October 6.

## CHAPTER 86.

ORDER GRANTING TO SARAH DORBY LICENSE TO SELL STRONG DRINK.

[PETITION of Sarah Dorby, for license to sell strong drink]

Mass.  
Archives,  
cxix., 480.

Read, &

*Order'd* that the Prayer of this Petition be so far granted as that  
the Justices of the Court of General Sessions of the Peace for the  
County of Suffolk at their present Term for Sitting, be & they are  
hereby empower'd (if they see Cause) to grant Licence to the Peti-  
tioner to Retail Strong Liquors (in the House mentioned in the  
Petition,) She producing a Certificate from the Select men of the  
Town of Boston recommending her as qualified for such an Em-  
ployment as the Law directs)<sup>1</sup> the time by Law appointed for grant-  
ing of Licences being elapsed notwithstanding. [Passed October 6.

Mass.  
Archives,  
cxix., 478.  
House Jour-  
nal, p. 85.

<sup>1</sup> *Sic*, as to parenthesis.

## CHAPTER 87.

## ORDER GRANTING TO MARGARET SWAN LICENSE TO SELL STRONG DRINK.

Mass.  
Archives,  
cxix., 484.

[PETITION of Margaret Swan, for license to sell strong drink]  
Read &

*Ordered* that the Prayer of this Petition be granted & the Justices of the General Sessions of the Peace for the County of Suffolk, are hereby impowered at their present Sessions (upon the Pet<sup>r</sup>s producing the recommendation of the Select men of the Town of Boston) to licence her for the purposes mentioned in the Petition. [Passed October 6.]

Legislative  
Records of the  
Council, xix.,  
239.

House Jour-  
nal, p. 84.  
Province  
Laws, iii., 513,  
chap. 1.

## ORDER TRANSFERRING AN APPROPRIATION &amp;c.

*Ordered* that One hundred & forty five Pounds be transfer'd from the Appropriation where there is no Establishm<sup>t</sup> to the Appropriation for the payment of the Members of the General Court. [Passed October 8.]

## CHAPTER 88.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF JON<sup>A</sup> DRAPER FOR A NEW TRIAL.

Legislative  
Records of the  
Council, xix.,  
239. Mass.  
Archives,  
xliii., 250.

Mass.  
Archives,  
xliii., 248—250,  
257—260. House  
Journal, p. 90.

A PETITION of Jonathan Draper of Bellingham, complaining of unfair Management of the Referrees upon an Action commenced against him at an Inferior Court of Common Pleas, held at Worcester in April last: by David Pond of Mendon (one of the Referrees being strongly prejudiced against him) & praying that the Report of the said Referrees may be set aside, & that he may have another Trial of the said Action & Execution be stayed in the mean time

Read and

*Ordered* that the Pet<sup>r</sup> serve the Adverse Partie with a copy of this Pet<sup>n</sup> that He shew cause if any He hath on the first tuesday of the next Sitting of this Court why the Prayer thereof be not granted And Execution within mentioned is Stayed in the mean time. [Passed October 8.]

## CHAPTER 90.

## ORDER ALLOWING £13. 13. 4 TO JOSEPH AVERIL.

Legislative  
Records of the  
Council, xix.,  
239. Mass.  
Archives, cv.,  
371.

Mass.  
Archives, cv.,  
369—372. House  
Journal, pp. 85,  
87.

A PETITION of Joseph<sup>1</sup> Averil of Sheepscutt, setting forth his Services in riding Express at divers Times in the Service of the Governm<sup>t</sup> & while in that Service he fell from his Horse & broke three of his Ribbs, praying that he may be allowed the Ballance of his Acco<sup>t</sup> herewith exhibited, & some Consideration for the said Disaster

Read and

<sup>1</sup> Mass. Archives, cv., 370, and the House Journal, pp. 85, 87, read, "Israel."

*Ordered* that the Prayer of the Pet<sup>n</sup> be so far granted as that the Pet<sup>r</sup> be allowed out of the publick Treasury Thirteen pounds thirteen Shillings and four pence Lawful Money to Ballance the Account hereto Annexed. [Passed October 8.]

## CHAPTER 91.

ORDER FURTHER REFERRING THE PETITION OF GOV<sup>R</sup> BELCHER FOR A CHANGE OF VENUE IN A TRIAL OF TITLE TO LAND.

Legislative Records of the Council, xix., 240. Mass. Archives, xlvi., 216.

*Ordered* that the Consideration of this Petition [*ante*, p. 402, chap. 353] be further referd to the second Wednesday of the next Sitting of this Court. [Passed October 9.]

House Journal, pp. 19, 90. *Ante*, p. 411, chap. 7.

## CHAPTER 92.

VOTE FOR A PUBLICK THANKSGIVING.

Legislative Records of the Council, xix., 240. Mass. Archives, xiii., 194.

*Voted* that His Hon<sup>r</sup> the Lieut<sup>t</sup> Governour be desired with the Advice of His Maj<sup>es</sup> Council to appoint a Day of publick Thanksgiving to Almighty God in Consideration of the many Mercies received in the course of the Year past, and that all Servile Labour be forbidden on said Day.<sup>1</sup> [Passed\* October 9.]

Mass. Archives, xiii., 195. Love's Fast and Thanksgiving Days of New England, p. 496. House Journal, p. 90.

## CHAPTER 93.

ORDER WITH STAY OF EXECUTION, ACCEPTING THE REPORT OF THE COMMITTEE ON THE PETITION OF THE INHABITANTS OF DOUGLASS FOR A NEW TRIAL IN REGARD TO THE BOUNDARY.

A PETITION of the Select Men of the Districts of Douglass, shewing that they are complained against at the Court of General Sessions of the Peace for the County of Worcester for not perambulating the dividing Line, between the said District & the Town of Uxbridge & for as much as they did their Duty in the Affair. Therefore praying that the Judgment of said Court obtained against them may be sett aside,

Legislative Records of the Council, xix., 235, 241. Mass. Archives, xliii., 232.

The Comm<sup>tee</sup> to whom was refer'd the foregoing Petition, having heard the Parties thereon & Considered the Same, report that the Prayer thereof be so far granted as that the Petitioners have a Trial of the Cause within mentioned, at the next Inferior Court of Common Pleas, to be holden for the County of Worcester, to all Intents, as if the appearance on their Behalf had been deemed good, & that Execution on the Judgment within mentioned be stayed in the mean time, Provided the Petitioners give Security to the Sheriff of the County of Worcester to pay what shall be finally recovered against them on said Trial.

Mass. Archives, xliii., 230. House Journal, pp. 83, 91. Province Laws, xiii., 599, chap. 18.

JOHN QUINCY  $\psi$  order

<sup>1</sup> The Thanksgiving was appointed for November 1, 1750, and was public.

Read and

*Ordered* That this Report be and hereby is accepted, and the Pet<sup>rs</sup> are allow'd to have a trial of the Cause withinmention'd, at the next Inf<sup>r</sup> Court of Common Pleas to be holden within and for the County of Worcester, to all Intents and purposes as they might have had if the Appearance on their behalf had been deemed good; and the Justices of the Said Court are impowered and directed to hear and try the Said Cause, enter up Judgment and award execution thereon pursuant to Law; and that execution on the Judgment within mentioned be Staid in the mean time; Provided the Pet<sup>rs</sup> give Sufficient Security to the Sheriff of the County aforesaid to pay what Shall be finally recovered of him on the Trial.<sup>1</sup> [Passed October 9.]

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## CHAPTER 94.

### ORDER GRANTING TO GEO. TILLEY LICENCE TO RETAIL STRONG DRINK.

Legislative  
Records of the  
Council, xix.,  
305. Mass.  
Archives,  
cix., 482.

Mass.  
Archives,  
cix., 481.  
House Jour-  
nal, p. 85.

A PETITION of George Tilley of Boston setting forth his great Disappointments & Losses in his Bussiness, & praying that the Court of General Sessions of the Peace for the County of Suffolk may be impowered at their present Session to grant him a Licence to retail strong Drink,

Read and

*Ordered* That the Prayer of the Petition be granted and the Justices of the General Sessions of the Peace for the County of Suffolk are hereby impowered, at their present Sitting, (upon the pet<sup>rs</sup> producing the recommendation of the Selectmen of Boston) to license him for the purpose within mentioned; the time by Law appointed for granting of Licences being lapsed notwithstanding. [Passed October 9.]

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## CHAPTER 95.

### ORDER GRANTING TO RICH<sup>D</sup> SMITH LICENCE TO KEEP A TAVERN.

Legislative  
Records of the  
Council, xix.,  
305. Mass.  
Archives, exi.,  
203.

Mass.  
Archives, exi.,  
202. House  
Journal, p. 85.

A PETITION of Richard Smith of Boston Inholder praying that this Court would impower the Court of General Sessions of the Peace for the County of Suffolk to grant him a Licence to keep a Tavern in the House in Kings Street in the Town of Boston, known by the name of the Crown Coffee House.

Read and

*Ordered* that the Prayer of the Pet<sup>r</sup> be granted and the Justices of the Court of General Sessions of the Peace for the County of Suffolk be and hereby are impowered, at their present Sitting (upon the Petitioners producing the approbation of the Selectmen of the Town of Boston) to licence Him for the purpose mentioned in the petition. [Passed October 9.]

<sup>1</sup> At the final hearing April 9, 1751, this petition was dismissed.—Legislative Records of the Council, xix., 320; House Journal, April, 1751, p. 203.

## CHAPTER 96.

## ORDER IMPOWERING WILLIAM RAND, GUARDIAN, TO SELL AN ESTATE.

A PETITION of William Rand, Guardian to William Rand Pennyman, James, Mary & Joanna Pennyman, Minors, shewing that there is a House & Land in the Town of Boston belonging to the said Minors, which is under Mortgage & other Incumbrances, therefore praying that the Petitioner may be impowered to make Sale of the said House & Land for the Benefit of said Minors & the Widow

Legislative Records of the Council, xix., 241. Mass. Archives, xviii., 679.

Read and

*Ordered* that the Pet<sup>r</sup> be and He hereby is allowed and impowered to make Sale of the House and Land herein mentioned for the most it will Sell for He Observing the directions of the Law of the Province respecting the Sale of Real Estates, and giving Security to the Judge of Probate for the County of Suffolk, that after the Execution within mentioned of Sixty four pounds three shill<sup>gs</sup> and four pence Sterling is discharged; the Overplus of said Sale [to]<sup>1</sup> be Secured for the Use of the Widow and Minors. [Passed October 9.

Mass. Archives, xviii., 677. House Journal, pp. 84, 90. Province Laws, ii., 151, chap. 10.

## CHAPTER 97.

## ORDER OF NOTICE WITH STAY OF PROCEEDINGS, ON THE PETITION OF JOHN &amp; SARAH LIDDEL FOR A NEW TRIAL OF A CAUSE.

A PETITION of John Liddel & Sarah his Wife (as she is Executrix of the last Will & Testament of John Franklyn dec<sup>d</sup>) setting forth the State of their Controversy in the Law with Bartholemew Chever, Administrator de bonis non, of Henry Franklyn dec<sup>d</sup> as in their former Petition, And praying that they may have another Trial on the Merits of their Cause, & that all proceedings upon a Writt of Scire facias taken out against them by said Chever, may be stayed in the mean time

Legislative Records of the Council, xix., 242. Mass. Archives, xviii., 409.

Read and

*Ordered* that the Pet<sup>r</sup> serve Bartholomew Cheever within named with a Copy of this Pet<sup>n</sup> that He shew cause on Fryday the 12<sup>th</sup> Curr<sup>t</sup> if the Court be then Sitting if not on the first fryday of the next Sitting of this Court why the Prayer thereof should not be granted And all Proceedings in the Law are Stayed in the mean time. [Passed October 9.

Mass. Archives, xviii., 404—409. House Journal, p. 92. Ante, p. 251, chap. 310; p. 362, chap. 248.

## CHAPTER 98.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF JN<sup>o</sup> MATHEWS FOR A NEW TRIAL OF A CAUSE.

A PETITION of John Mathews of Rehoboth, complaining of a Judgment of the Inferior Court of common Pleas, for the County of Bristol, in chancing a Bond given by the Petitioner to Japhet

Legislative Records of the Council, xix., 239.

<sup>1</sup> Inserted from Legislative Records of the Council, xix., 242.

Mass.  
Archives,  
xliii., 233—239.  
House Jour-  
nal, p. 89.

Bicknel, praying that he may have another hearing before the said Court, that so the Bond may be chancerd to the Just Debt & Damages, and that Execution against the Petitioner may be stayed in the meantime

Read &

*Ordered* that the Petitioner serve the adverse Party with a Copy of this Petition, that he shew Cause if any he hath, on the first Friday of the next Sitting of this Court, why the prayer thereof should not be granted & Execution mentioned is stayed in the mean Time, Provided, the Petitioner give Security to the Sheriff of the County of Bristol, to satisfy the present Judgment, in Case the Prayer of the Petition shall not be granted, or otherwise to pay such Sum as shall finally be recovered. [Passed October 10.<sup>1</sup>

Legislative  
Records of the  
Council, xix.,  
242. Mass.  
Archives, cxv., ORDER REFERRING THE PETITION OF CPT. JN<sup>O</sup> WENDEL IN REGARD  
669.

Mass.  
Archives, cxv.,  
668. House  
Journal, pp. 81,  
96. *Ante*,  
p. 423, chap. 37.

ON THE PETITION of Capt John Wendell, [*ante*, p. 423, chap. 37]  
*Ordered* that the Consideration of this Affair be refer'd to the second Tuesday of the next Sitting of this Court. [Passed October 10.

## CHAPTER 99.

## CHAPTER 100.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE PETITION OF THE INHABITANTS OF SPRINGFIELD TO BE ERECTED INTO A NEW PARISH.

Legislative  
Records of the  
Council, xix.,  
243. Mass.  
Archives, xiii.,  
132.

Legislative  
Records of the  
Council, xix.,  
189, 238. House  
Journal, pp. 18,  
19, 86, 97.  
*Ante*, p. 296,  
chap. 87.

THE COMMITTEE on the Petition of sundry Inhabitants of Springfield, praying to be erected into a distinct Parish, report as their Opinion, that the first & second Parishes in Springfield shall allow the Taxes to be imposed on said Petitioners for Parish Charges for the space of five Years next to come, for the Support of Preaching in the difficult Seasons of the Year, & towards building the proposed Meeting House, as said Petitioners shall appropriate the same. But in Case said first & second Parishes in Springfield shall not agree to, & to all Intents & purposes comply with the above report, Then we are of Opinion, the Prayer of said Petitioners be so far granted as that they be sett off & erected into a distinct Parish, according to such Limits as this Court shall hereafter direct & ordain All which is humbly submitted, *p* JOHN GREENLEAF *p* order.

Read &

*Ordered* that this Report be Accepted. [Passed October 10.

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council and the House Journal the date is October 8.

## CHAPTER 101.

## ORDER GRANTING THE PETITION OF DAN'L HIGBEE IN REGARD TO THE CONVEYANCE OF LAND OF ONE BEYOND SEA.

A PETITION of Daniel Higbee of Rochester shewing that he gave one Alden Sprague a Deed of his Homestead Farm, for securing the Payment of One hundred & ninety five Pounds Old Tenor, & took a Bond of him for recouveyance of the Same, upon the Petitioner's Paying the said Sum at the Time agreed, which the Petitioner paid accordingly to Capt Noah Sprague (Father to the said Alden, who was then beyond Sea) two Years ago; and forasmuch as the said Alden is still beyond Sea, if living, therefore, praying that the said Noah Sprague, or some other meet Person may be impowered by this Court to convey said Land to the Petitioner

Read and

*Ordered* that the Prayer of this Pet<sup>n</sup> be granted and that Cap<sup>t</sup> Noah Sprague be directed and impowered to reconvey the land herein mentioned.

*Voted* also that the said Sprague give Security to the Judge of Probate for the County of Plymouth; to account with the said Alden Sprague if living; or with His Heirs if Dead; for the Money He received on Account of the Mortgage herein mentioned. [Passed October 10.

Legislative Records of the Council, xix., 243. Mass. Archives, xviii., 680.

House Journal, pp. 82, 83, 94.

## CHAPTER 102.

Legislative Records of the Council, xix., 244. Mass. Archives, cii., 538.

## VOTE IN REGARD TO THE MANNER OF EXCHANGING PROVINCE BILLS FOR SILVER.

Mass. Archives, cxxxvi., 121-123. House Journal, p. 94. Ante, p. 369, chap. 265; p. 386, chap. 313.

*Voted* that the Committee appointed to receive the Province Bills in exchange for Silver &c be directed after the 22<sup>d</sup> of this Instant October to Sitt but three days in a Week Viz<sup>t</sup> Tuesday Wednesday and Thursday. And that they give Notice of this Order in the publick Prints accordingly. [Passed October 10.

## CHAPTER 103.

## ORDER REVIVING AND REFERRING THE PETITION OF JOSEPH &amp; LYDIA RUSSELL, ADMINISTRATRIX, TO SELL A PORTION OF AN ESTATE TO PAY DEBTS.

Legislative Records of the Council, xix., 81, 244.

Mass. Archives, xviii., 735-741. House Journal, p. 93. Ante, p. 18, chap. 31.

A PETITION of Joseph Russell & Lydia his Wife, late Widow of Nathaniel Gerrish of Berwick in the County of York Dec<sup>d</sup> & Administratrix on his Estate, shewing that by her late Husband's Adminis- trating on the Estate of his Father Nathaniel Gerrish Esq<sup>r</sup> Dec<sup>d</sup> He had rendered his own Estate Insolvent; And therefore Praying for Liberty from this Court to sell so much of the real Estate of the said Nathaniel Gerrish the Father, as will be necessary to pay off the just Debts due from the same

*Ordered* that this Petition be revived & the Consideration thereof is further refer'd till the second Friday of the next sitting of this Court. [Passed October 10.

## CHAPTER 104.

## VOTE IN REGARD TO PRESENTS TO EASTERN INDIANS.

Legislative  
Records of the  
Council, xix.,  
244.

Legislative  
Records of the  
Council, xix.,  
240.

*Voted* that if a Conference be had with any of the Eastern Indians in the Recess of the Court, That His Honour the Lieutenant Gov<sup>r</sup> be desired with the Advice of the Council to make them (if they judge Convenient) suitable Presents, not exceeding the Sum of One hundred Pounds.<sup>1</sup> [Passed October 11.]

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## CHAPTER 105.

VOTE IMPOWERING THE TREAS<sup>R</sup> TO GIVE RECEIPTS FOR MONEY BORROWED.

Legislative  
Records of the  
Council, xix.,  
244. Mass.  
Archives, ci.,  
541.

House Jour.  
nal, p. 99.  
Province  
Laws, iii., 513,  
chap. 1; 531,  
chap. 9.

WHEREAS the Treasurer has not yet borrowed the whole Sum of £5,000 provided for by [the]<sup>2</sup> Supply Act in last May Sessions And as by the said Act the Lender was not entitled to his Interest untill the principal Sum became payable, viz<sup>t</sup> On or before the 10<sup>th</sup> of June 1752,

*Resolved*, That the Treasurer be & he hereby is empowered & directed to give his Receipts of the like Form & Tenor as those prescribed in the Supply Act pass'd this present Session to such Persons who shall lend the remaining Part of the said Sum of £5,000, And that he be likewise impowered and directed to give Receipts of the like Form & Tenor to all those who shall desire the same that have already furnished him with Money in Consequence of the said first Act, in Exchange for the Receipts he has already given them. [Passed October 11.]

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## CHAPTER 106.

## ORDER REFERRING ALL UNFINISHED MATTERS.

Legislative  
Records of the  
Council, xix.,  
245.

House Jour.  
nal, p. 83.

*Ordered* that all Matters now lying, or that shall ly before this Court, the present Sitting & not pass'd upon be referr'd to the next sitting of this Court. [Passed October 11.]

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## CHAPTER 107.

## VOTE APPROPRIATING £80 FOR THE SUPPORT OF MOHAWK INDIANS AND FURTHER DIRECTING DIVERS COMMISSARY STORES TO BE SENT TO THEM.

Legislative  
Records of the  
Council, xix.,  
245. Mass.  
Archives,  
xxxii., 75.

*Voted* that the Treasurer be directed to pay to Cap<sup>t</sup> Josiah Dwight and Cap<sup>t</sup> John Ashley or their Order the Sum of Eighty pounds to be laid out by them in such things as they shall Apprehend best for

<sup>1</sup> Not found in the House Journal.

<sup>2</sup> Inserted from Legislative Records of the Council, xix., 245.

the reception Support and Education of any of the Mohawk Tribes of Indians that shall come and settle at Stockbridge Also

Legislative Records of the Council, xix., 214. House Journal, p. 98.

*Voted* that the Commissary be directed to Ship by the first opportunity to New York one piece of Strouds Twenty Blankets and Twenty Shirts Consigned to the said Dwight and Ashley to be applyed by them for the present Comfort and Relief of the afores<sup>d</sup> Indians. The s<sup>d</sup> Dwight and Ashley to be accountable to this Court for their doings herein. [Passed October 11.]

## CHAPTER 108.

VOTE APPOINTING A COM<sup>TEE</sup> TO ASSIST THE TREAS<sup>R</sup> IN BORROWING MONEY.

Legislative Records of the Council, xix., 245.

*Voted* that John Wheelwright & Andrew Oliver Esq<sup>s</sup> be a Comm<sup>tee</sup> to assist the Treasurer, in borrowing the Money it is proposed the Treasury should be supplied with, in the Supply Act lately pass'd this Court. [Passed October 11.]

Mass. Archives, cl., 540. House Journal, p. 97. Province Laws, iii., 531, chap. 9.

## CHAPTER 109.

ORDER FOR TAK<sup>G</sup> A PLAN OF YE EASTERN PARTS.

WHEREAS the Plan presented to this Court by M<sup>r</sup> Richard Hazzen extends no further East than Saec River; and it is judg'd necessary that the whole of the late Province of Maine, & also that Part of the Province which lies beyond the Province of Main as far as St Croix, or as far as conveniently may be effected, be particularly delineated & described in the most accurate manner possible,

Legislative Records of the Council, xix., 245. Mass. Archives, vi., 92. House Journal, pp. 97, 98, 100.

*Voted* that his Hon<sup>r</sup> the L<sup>t</sup> Governor with the Advice of the Council be desired to appoint some proper Person to prepare a Plan accordingly of those Land[s] which lye as afores<sup>d</sup> East of said Plan already presented by M<sup>r</sup> Hazzen. [Passed October 11.]

## CHAPTER 110.

ORDER ACCEPTING THE REPORT OF THE COM<sup>TEE</sup> ON THE LAND BANK AFFAIR.

THE COMM<sup>TEE</sup> appointed to consider the Petition of John Brown & others, having attended the Service, & heard the Directors & Partners in the Land bank Scheme, report as follows that it appears to the Comm<sup>tee</sup> that it is Convenient & necessary that the Accompts between the Directors & Partners, should be adjusted before any further Assessment be approved by this Court. That it appears that a considerable Part of the Companys Books & the Books of Trade have been saved out of the late Fire That the Commissioners be required to State the said Directors Accompts from the said Books or any other Papers, that may have been preserved, in the best Manner they can, and that they likewise require the

Legislative Records of the Council, xix., 245. House Journal, p. 212 (April, 1750); pp. 15, 95, 96. Ante, p. 431, chap. 57.

Surviving Directors, & the Representatives of those that are Dead, to render an Account of the several Sums that have been received & paid by them, That the Commissioners be directed to lay before this Court the Exact State of said Bank, when they first undertook their Trust so far as they are Capable That said Commissioners be likewise directed to lay before the Comm<sup>tee</sup> an Accomp<sup>t</sup> of all the Money they have received & paid, in Consequence of the Act of the General Court impowering them to settle the Affairs of the said Company That they be directed to attend those Affairs in the Recess of the Court to be prepared against the first day of their next Sitting, in Order to the Comm<sup>tee</sup>'s further Consideration & report upon the Bussiness assigned them,

All which is humbly submitted

By Order of the Com<sup>tee</sup>

J. QUINCY

Read &

*Ordered* that this Report be accepted. [Passed October 11.

## CHAPTER 111.

### ORDER ALLOWING £2. 13. 4 TO SETH DAVIS.

Legislative  
Records of the  
Council, xix.,  
246. Mass.  
Archives,  
Ixv., 401.

A PETITION of Seth Davis, setting forth his Services as Pilot of the Province Sloop in a Voyage from Boston to New York & back, in the Year 1748. for which he has yet had no Satisfaction, praying for a proper allowance for the Same,

Read and

*Ordered* that the Sum of two pounds thirteen Shillings and four pence be allowed the Pet<sup>r</sup> out of the publick Treasury in full consideration for the Service within mentioned. [Passed October 11.

## CHAPTER 112.

### ORDER ALLOWING £100. 4. 7 TO RICH<sup>D</sup> GRIDLEY, ESQ<sup>R</sup>.

Legislative  
Records of the  
Council, xix.,  
246. Mass.  
Archives,  
Ixviii., 713.

Mass.  
Archives,  
Ixviii., 712-714.  
House Jour.  
nal, pp. 96, 98.  
Province  
Laws, xiii., 465,  
chap. 1.

A MEMORIAL of Richard Gridley Esq<sup>r</sup> shewing that he served in the late Expedition against Cape Breton as Captain of Artillery, & after the Death of M<sup>r</sup> Roller, he succeeded him as first Bombardier, which Office he discharged faithfully, that the Comm<sup>tee</sup> of War struck off his Wages as Bombardier, purely because he held the other Office, and forasmuch as this Government have been allowed for the Wages aforesaid, praying that he may have the Benefit of such allowance for his Service aforesaid

Read and in Answer hereto

*Ordered* that the Comm<sup>tee</sup> of War be directed to pay the Memorialist the Sum of One hundred pounds four Shillings and seven pence New tenor or Lawful Money equivalent thereto in full Consideration of the Musterrolls within mentioned. [Passed October 11.

## CHAPTER 113.

ORDER ALLOWING £13. 6. 8 TO RICH<sup>D</sup> HAZZEN.

*Ordered* that Richard Hazzen be allowed out of the publick Treasury the Sum of thirteen pounds Six Shillings & Eight pence for his Service in taking a plan of the Boundaries of the British Colonies of America, and to Enable him to draw a Correct Duplicate to be Sent to Great Britain. [Passed October 11.]

Legislative Records of the Council, xix., 246. Mass. Archives, cii., 542.

House Journal, pp. 97, 98. Ante, p. 451, chap. 109.

## CHAPTER 114.

ORDER DIRECTING THE COMMITTEE APPOINTED, TO REPORT ON THE PET<sup>N</sup> OF MESS<sup>ES</sup> GREEN & WALKER &c. TO BUY LAND.

ON THE PETITION of Joseph Green, Isaac Walker & Thomas Bulfinch, praying that they may have Leave to purchase of the Province about Six Thousand<sup>1</sup> Aeres of the unappropriated Land, lying west of a Tract of 8,575 Aeres of Land belonging to the Petitioners (which six thousand Acres is laid out North West of Deerfield) in Order to Compleat a Settlement they propose to make.

Read and

*Ordered* that this Pet<sup>n</sup> be revived and that the Committee above-mentioned<sup>2</sup> be directed to Report agreeable to the Order abovewritten. [Passed October 11.]

Legislative Records of the Council, xix., 247. Mass. Archives, cxv., 529.

Mass. Archives, cxv., 527. House Journal, pp. 171, 173 (January, 1749).

## CHAPTER 115.

## ORDER THAT THE EXPENSES OF THE COMMITTEE ON THE NEW PRECINCT ERECTED OUT OF NEW BRAINTREE AND PARTS OF HARDWICK AND BROOKFIELD BE PAID BY THE INHABITANTS THEREOF.

Legislative Records of the Council, xix., 244. Mass. Archives, cxv., 634.

[ON THE PETITION of the Committee appointed on the affair of the new precinct set off from New Braintree and Hardwick,]

*Ordered* that the Inhabitants of the Precinct above mentioned be directed to Pay the Expences of the Committee Who reported as within mentioned.<sup>3</sup> [Passed October 11.]

Mass. Archives, cxv., 633. Ante, p. 440, chap. 81.

## CHAPTER 116.

## ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE PETITION OF SAMUEL STEVENS IN REGARD TO THE LAND BANK SCHEME.

A PETITION of Samuel Stevens of Roxbury one of the Partners in the late Land Bank, Complaining of cruel Exactions made upon him for the Payment of the Land Bank Notes, by which he is in

Legislative Records of the Council, xix., 163, 247.

<sup>1</sup> The House Journal, p. 173, reads, "ten Thousand."

<sup>2</sup> The following passed the House of Representatives on January 18, 1749, but went no further:—

"Ordered that this Pet<sup>n</sup> be Committed to the Gentlemen app<sup>ted</sup> Yesterday to lay out the Lots of a Township near Hoosick to View the Land Petition'd for and report thereon."—Mass. Archives, cxv., 529.

<sup>3</sup> Not found in the House Journal.

Legislative Records of the Council, xix., 163, 164. House Journal, pp. 15, 99. *Ante*, p. 451, chap. 110.

danger of being utterly ruined in his Estate; Praying for Relief from this Court.

The Comm<sup>tee</sup> to whom was refer'd the Petition of Samuel Stevens, one of the Partners in the late Manufactory Scheme, having fully Considered the same, report as their Opinion, that the Commissioners appointed for finishing said Scheme, be directed forthwith to apply the effects of such Judgments as they have recovered, against any of the Delinquent Partners which Remain not Satisfied, for the Reimbursing to the Petitioner the Value of Three hundred Pounds, Manufactory Bills, which were lodged by Mr Nathaniel Martyn in the Clerks Office of the County of Suffolk, & by the said Commissioners received & burnt, & which the Petitioner was obliged to redeem, after he had paid Sixty three Pounds, two shillings & six pence Manufactory Bills, & One hundred & fifty Pounds Common Currency, over & above the proportion of the Company's Bills he took out which is humbly Submitted

J. QUINCY *p* order.

Read &

*Ordered*, that this Report be & hereby is accepted, & that the Commissioners conform themselves accordingly. [Passed October 11.

## CHAPTER 117.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE COMPLAINT OF THE HOUSATANACK INDIANS.

Legislative Records of the Council, xix., 248. Mass. Archives, xxxii., 78.

Mass. Archives, xxxii., 76. Legislative Records of the Council, xix., 222, 225. House Journal, p. 98. *Ante*, p. 326, chap. 164.

THE COMM<sup>TEE</sup> appointed on the Petition of sundry Indians of the Town of Stockbridge, report as follows viz<sup>t</sup> That the Sixty Acres of Land (first mentioned in said Petition) lies in the Second Division of Land in said Town, & next adjoining to Coll<sup>o</sup> Ephraim Williams's Home Lot, & was allowed to be laid out, to the English by a Comm<sup>tee</sup> of the General Court (whose Report was accepted) as part of their Right & partly in right of one Browne, That the Indians were encouraged to expect by the first Comm<sup>tee</sup> of said Town, to have their proportion of the second Division Lands, near & next to the English Settlers Home Lotts, The Indians being uneasy because the English Settlers had so much in said Lots near the Meeting House. The Comm<sup>tee</sup> further observe that the said Sixty Acres of Land was assigned to the Indians by the Rev<sup>d</sup> Mr Sargent & Mr Woodbridge, with Promises that it should be confirmed to them, & thereupon that the Indians laboured many days in clearing & fitting for Improvement said Sixty Acres as set forth in their Petition, However the Comm<sup>tee</sup> find that the said Sixty Acres of Land is situated betwixt two Tracts belonging to Col<sup>o</sup> Williams, viz<sup>t</sup> his House Lot & another Lot in the second Division, & therefore it would be inconvenient for said Williams not to have it; The Indians are willing said Williams should enjoy it, provided he will convey to them Some Meadow Lands situate in the midst of their Settlements, viz<sup>t</sup> about eight Acres, to satisfy for their Trouble; Labour & disappointment respecting said Sixty Acres. As to the Thirty Acres laid to Col<sup>o</sup> Williams as a Mill Lot, the Comm<sup>tee</sup> observe that said Thirty Acres is part of the Lands belonging to Capt Kunkapot, by Exchange of Lands he held in Sheffield some Miles below, This Exchange was transacted by the first Comm<sup>tee</sup>,

notwithstanding which, the Comm<sup>tee</sup> of the General Court in 1749 (whereof Oliver Partridge Esqr was Chairman) assigned said Lands to Col<sup>o</sup> Williams as part and parcel of his second Division, at which said Punkapot<sup>1</sup> is very uneasy, not having received Satisfaction, nor is he willing to part with it on any Terms.

As to the other Tract viz Two hundred & forty Acres, the Comm<sup>tee</sup> observe that it is part of a large Tract purchased by M<sup>r</sup> Woodbridge & some Ministers in the County of Hampshire, of one Joachin Van Valkenburg a Dutchman, & by them relinquish'd for the Benefit of the Indians in Stockbridge, and accordingly granted to them by the Governm<sup>t</sup>, The Government granted to the said Woodbridge & the others a large Tract of Lands elsewhere as an Equivalent therefor, That Col<sup>o</sup> Williams & M<sup>r</sup> Woodbridge took said two hundred & forty Acres, which was granted & confirmed to Col<sup>o</sup> Williams by the General Court.

After the Comm<sup>tee</sup> had fully heard the Parties, an Accommodation among themselves of the Matters in Controversy was proposed, The Comm<sup>tee</sup> are therefore of Opinion, that they have an Opportunity allowed them of so doing untill the next Session of the Court, & that the Terms of Accommodation be then transmitted for the Approbation of this Court, and the Comm<sup>tee</sup> ask Leave to sit again at that time to make further Report

JACOB WENDELL by Order.

Read &

*Ordered* that this Report be Accepted. [Passed October 11.

## CHAPTER 118.

### ORDER DIRECTING THE COMMISSARY GENERAL TO SEND SUNDRY MATERIALS FOR REPAIRS TO FORT RICHMOND.

HIS HONOUR THE LIEUTENANT GOVERNOUR communicated to both Houses a Letter from Capt William Lithgow Commander of Richmond Fort, setting forth the Repairs necessary to be made there, and desiring Orders about it, & that divers things may be sent him necessary for effecting said Repairs

Legislative Records of the Council, xix., 248. Mass. Archives, lxxiii., 717.

Mass. Archives, lxxiii., 717. House Journal, p. 97.

*Ordered* that the Commissary General be directed to Send to Fort Richmond Ten thousand Shingle Nails Two Hundred Board Nails and Twenty pounds of Deck Nails and procure the other Materials mentioned in order to repair said Fort. [Passed October 11.

## CHAPTER 119.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE SHIP MASSACHUST<sup>S</sup> FRIGATE.

THE COMM<sup>TEE</sup> appointed the 27<sup>th</sup> of January last, to carry the Vote of the Court respecting the Ship Massachusetts Frigate, into Execution do report, viz<sup>t</sup> On the Application of Mr Samuel Wentworth for himself & the other Petitioners, the Comm<sup>tee</sup> allowed them to

Legislative Records of the Council, xix., 249. Mass. Archives, lxiv., 405.

<sup>1</sup> Mass. Archives, xxxii., 77, reads, "Kuncapott," underlined.

Mass.  
Archives,  
lxiv, 404; lxv,  
43-45. House  
Journal, p. 17  
(June, 1749);  
p. 188 (Jan-  
uary, 1749);  
pp. 91, 100.  
*Ante*, p. 358;  
chap. 236;  
p. 429, chap. 51.

take the Ship into their Possession, And the Petitioners gave Orders for the Ship being removed from M<sup>r</sup> Hutchinsons Wharf to the graving Yard & from thence to Clark's Wharf: That the Comm<sup>tee</sup> applied to M<sup>r</sup> Secretary for a Warrant of Apprizeinent to be made out to Richard Bill Esq<sup>r</sup> M<sup>r</sup> Jeifry Bedgood, & M<sup>r</sup> Stephen Boutineau, for apprizing the Ship, & acquainted M<sup>r</sup> Samuel Wentworth of it, who well approved of said Gentlemen & as soon as the Warrant was obtained, it was given to Richard Bill Esq<sup>r</sup> & he with the other Gentlemen desired to proceed thereon, as soon as possibly they could & make Return into the Secretarys Office.

The Comm<sup>tee</sup> in the mean time employed a Serivener to draw a proper Instrument for the Petitioners to execute to the Treasurer of the Province, agreeable to the General Courts Directions & when it was done, was given to M<sup>r</sup> Wentworth for himself & the others concerned with them, to look over, who in some Days after returned the same & said they approved of it, & were ready to Sign it, when it was drawn fair, & the Comm<sup>tee</sup> sent to Mess<sup>rs</sup> Winslow, Wentworth & Gunter to come to the Court House & execute said Bond, which they did, but some of the Comm<sup>tee</sup> was just then so engaged in the publick Affairs, that they could not go down immediately, when Notice was given that they were attending, but did as soon as possibly they could go down to them, when M<sup>r</sup> Gunter was gone, & M<sup>r</sup> Winslow & M<sup>r</sup> Wentworth said, if we would give them the Bond, they & M<sup>r</sup> Gunter would execute it, & return it to Jacob Wendell Esq<sup>r</sup> & they were asked for it by him, but never returned it according to their Promise, but some time in May told him, they designed to petition the General Court for granting a further time to perform the Voyage into Ireland accordingly they did put in their Petition the 7<sup>th</sup> of June, & it pass'd the Court & was granted the 29<sup>th</sup>. The Comm<sup>tee</sup> some Days after got a Copy of the Conrt's further Grant to them, which was sent to them, & thereon they gave their Answer in Writing the 24<sup>th</sup> of July, that they did not accept thereof: but they have had possession of the Ship ever since they first gave Capt Bennet Directions to remove her from M<sup>r</sup> Hutchinsons Wharf, untill the 27<sup>th</sup> of August, when the Lieuten<sup>t</sup> Govern<sup>r</sup> & Council gave Directions to the Comm<sup>tee</sup> to take Care that she be Caulked,

JACOB WENDELL  $\frac{p}{o}$  Order

Read and Accepted. [Passed October 11.

## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TENTH DAY OF JANUARY, A.D. 1750.

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### CHAPTER 120.

#### ORDER GRANTING TO THOS SPRING LICENCE TO KEEP A TAVERN.

A PETITION of Thomas Spring of Weston, setting forth the commodious Scituation of his House for an Inn, & the Approbation of the Select Men of said Town, & praying that the Court of General Sessions for the Peace for the County of Middlesex may be impowered at their next Term to grant him a Licence

Legislative Records of the Council, xix., 255. Mass. Archives, cxii., 211.

Read and

Mass. Archives, cxii., 210. House Journal, p. 107.

*Ordered* that the Justices of the Gen<sup>l</sup> Sessions of the Peace for the County of Middlesex be and they hereby are allowed and impowered to grant the Pet<sup>r</sup> a Licence to keep a house of publick Entertainment (if they See cause) at their next Session. the time for granting Licences being elapsed notwithstanding. [Passed January 11.

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### CHAPTER 121.

#### ORDER GRANTING TO OLIVER COLBURN LICENSE TO KEEP A TAVERN.

A PETITION of Oliver Colburn of Dunstable, Shewing forth the great Want of a House of publick Entertainment, on the Road where he lives & his commodious Scituation for the Bussiness, praying that the Court of General Sessions of the Peace for the County of Middlesex, may be impowered to grant him a Licence at their next Term

Legislative Records of the Council, xix., 255. Mass. Archives, cxii., 214. House Journal, p. 103.

Read and

*Ordered* that the Justices of the Gen<sup>l</sup> Sessions of the Peace for the County of Middlesex be and they hereby are allowed and impowered to grant the Pet<sup>r</sup> a Licence to keep a House of publick Entertainment (if they See cause) the time for granting Licences being Elapsed notwithstanding. [Passed January 11.

## CHAPTER 122.

## ORDER ALLOWING £21. 13. 4 TO THE SELECT MEN OF BOSTON.

Legislative  
Records of the  
Council, xix.,  
256. Mass.  
Archives,  
lxxvii., 293.

Mass.  
Archives,  
lxxvii., 291.  
House Jour-  
nal, pp. 104, 109.  
*Ante*, p. 385,  
chap. 312.

A PETITION of the Select Men of the Town of Boston, shewing that in pursuance of the Order of this Court they have purchased a Boat for the Use of the Hospitall upon Rainsford Island, that they were obliged to lay out more Money in the Purchase than was allowed, & that it will be necessary to make some Convenience in the said Boat, for the safe Conveyance of sick Persons, praying for a further Allowance from this Court for the same

Read and

*Ordered* that the Sum of twenty one pounds thirteen Shillings and four pence be paid out of the publick Treasury to the Memorialists, in Order to Compleat the payment for the said Boat, and to make the necessary Conveniences for the more safe and comfortable conveyance of Sick Persons to the Hospitall. [*Passed January 15.*]

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## CHAPTER 123.

## ORDER GRANTING TO DAN'L LOCK LICENSE TO KEEP A TAVERN.

Legislative  
Records of the  
Council, xix.,  
257. Mass.  
Archives, exi.,  
213.

Mass.  
Archives, exi.,  
212. House  
Journal, p. 110.

A PETITION of Daniel Lock of Acton in the County of Middlesex, shewing that he is now in possession of a House in said Town, which for many Years past has been the only Inn on the Road between Concord & Groton, & well Situated for that Bussiness, therefore praying that this Court would impower the Court of General Sessions of the Peace of said County to grant him a Licence

Read and

*Ordered* that the Justices of the Gen<sup>l</sup> Sessions of the Peace for the County of Middlesex be and they hereby are allowed and impowered at their next Session (if they See cause) to grant the Pet<sup>r</sup> a Licence to keep a House of publick Entertainm<sup>t</sup>

The time for granting Licences being elapsed notwithstanding.  
[*Passed January 15.*<sup>1</sup>]

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## CHAPTER 124.

## VOTE ACCEPTING THE REPORT ON THE DECLARATION OF ELISHA DAVIS.

Legislative  
Records of the  
Council, xix.,  
257. Mass.  
Archives,  
lxxiii., 731.

Mass.  
Archives,  
lxxiii., 729.

THE COMMITTEE to whom was refer'd the Consideration of the Report brought from Louisburg by M<sup>r</sup> Elisha Davis, that on the 13<sup>th</sup> of December last, there were three Vessells fitting out there, with Arms & Ammunition for a Considerable Number of French & Indians, at Chikanecto, in order to cut off & destroy the English there this Winter, having attended the Bussiness are of Opin-

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is January 16.

ion, That His Honour the Lieut<sup>t</sup> Governoour be desired as speedily as possible to inform Govern<sup>r</sup> Cornwallis of the Same

All which is humbly submitted

JOHN WHEELWRIGHT  $\frac{1}{4}$  order

Read and accepted. [Passed January 16.]

Legislative Records of the Council, xix., 255. House Journal, p. 114.

## CHAPTER 125.

### ORDER GRANTING TO THOS FAIRBANKS PERMISSION TO SURVEY AND LAY OUT 250 ACRES OF LAND.

A PETITION of Thomas Fairbanks, shewing that he purchased a Grant of two Hundred & fifty Acres of Land, granted to his Father Jabez Fairbanks by this Court in 1737.<sup>1</sup> That the Petitioner got the said Land laid out by a Surveyor & Chainmen on Oath, adjoining to Paquoig, that afterwards in runing the Bounds of the Township of New Salem, this Land, saving twenty or thirty Acres thereof, was included in said Township, Therefore praying for Liberty to lay out his Grant in some other Place

Read and

Ordered that the Pet<sup>r</sup> have liberty by a Surveyor and Chain Men under Oath to lay out two hundred and fifty Acres of Land (including the land that was unappropriated in the first laying out) to Satisfye the Grant made by this Court to His Father Jabez Fairbanks in the Year 1737, which was before taken up by the Line of New Salem. (so called.) The said Pet<sup>r</sup> to return a Plat thereof to this Court within Six months from this time for confirmation. [Passed January 16.]

Legislative Records of the Council, xix., 258. Mass. Archives, xlvi., 235. House Journal, pp. 109, 113. Province Laws, xii., 500, chap. 55.

## CHAPTER 126.

### ORDER IMPOWERING SARAH PRINTER & ABIGAIL ABRAM, INDIANS, TO SELL LAND.

A PETITION of Sarah Printer & Abigail Abram, Indians of Grafton shewing that they have Contracted considerable Debts by Means of Sickness & Accidents whereby they have been disabled, praying that they may be allowed to sell so much of their Land in Grafton, as will discharge said Debts

Which Petition was accompanied by a Certificate of the Grafton Indians Trustees signifying their Opinion of the reasonableness of the prayer of the said Petition

Read &

Ordered that the Prayer of the Petition be granted & that the Pet<sup>rs</sup> be & hereby are allowed & impowered (with the Advice & Assistance of the Trustees of the Indians) to make Sale of so much of their Land in Grafton, as will be sufficient to pay their just Debts, & that the said Trustees be accountable to this Court for the Proceeds of Said Lands. [Passed January 16.]

Legislative Records of the Council, xix., 258. Mass. Archives, xxxii., 81.

Mass. Archives, xxxii., 80. House Journal, p. 112. Province Laws, xiii., 326, chap. 227.

<sup>1</sup> A mistake for 1738, though the grant was asked for in 1737. See Province Laws, xii., 500, chap. 58; also Mass. Archives, xlvi., 234.

## CHAPTER 127.

## ORDER IMPOWERING RUTH WHITTEMORE AND HER SONS TO SELL AN INTEREST IN AN ESTATE.

Legislative Records of the Council, xix., 258. Mass. Archives, xviii., 703.

Mass. Archives, xviii., 704. House Journal, pp. 111, 112 bis.

A PETITION of Ruth Whittemore Widow of John Whittemore late of Malden dec'd shewing that the yearly Income of one third part of her late Husbands Estate being seven Acres of Land is altogether insufficient for her Support in her old Age, & therefore praying that she may be impowered to sell it, her two Sons having signified their Consent to the said Suit

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted, and that the Pet<sup>r</sup> Ruth with the Joynt Assistance of her two Sons Benjamin and Pelatiah have liberty to make Sale of the Interest of the thirds within mentioned for the most the same will fetch. They first giving Security to the Judge of Probate for the County of Middlesex, that the several Heirs after her Decease shall recieve their proportion of said Sale according to Law. [Passed January 16.]

## CHAPTER 128.

ORDER ACCEPTING THE REPORT OF THE COM<sup>TEE</sup> ABT THE CONTROVERSY WITH CONNECT<sup>T</sup> GOVERNMT AND IMPOWERING MR. BOLLAN AGENT TO PRESENT THE MATTER TO THE KING.

Legislative Records of the Council, xix., 259. Mass. Archives, vi., 94.

Mass. Archives, vi., 94. Legislative Records of the Council, xix., 257. House Journal, pp. 117, 118. Ante, p. 337, chap. 182.

THE COMMITTEE appointed the fifteenth Instant to consider what is necessary to be done, relating to the Claims made by the French, and also the State of the Controversy with Connecticut, have attended the Bussiness & considered the first Affair in part only, & desire leave to sit again in order to report.

With respect to the Controversy with Connecticut, the Comm<sup>tee</sup> are humbly of Opinion that M<sup>r</sup> Agent Bollan be forthwith directed (in like manner as he has already been with respect to Rhode Island) to make an humble Representation & Complaint to his Majesty against the proceedings of the Government of Connecticut, in deviating from their Solemn Agreement, & injuriously exercising Jurisdiction & countenancing their Inhabitants in wresting the property from the Inhabitants of this Province those Lands which by said Agreement are allowed to be & remain within this Jurisdiction or to be the Property of the Persons to whom they were granted, & that the Secretary transmit by the first Opportunity all such Papers as may be necessary to support this Complaint, & that a Comm<sup>tee</sup> be appointed to prepare said Papers accordingly. All which is humbly submitted.

J. CHANDLER  $\#$  order

Read & Accepted, & thereupon

*Order'd* that William Bollan Esqr Agent for this Province be & hereby is impowered & directed in behalf of the Province to make humble Representation to his Majesty against the Government of Connecticut for departing from their Agreement with this Government both with respect to the Jurisdiction & Property of the Lands allow'd to be within this Province or to belong to the Inhabitants thereof & to pray his Majestys most gracious Orders thereon. [Passed January 17.]

## CHAPTER 129.

ORDER DIRECTING THAT JON<sup>A</sup> PAGE BE SUPPORTED AT THE CHARGE OF THE PROVINCE.

A PETITION of Jonathan Page formerly a Soldier in the Service of this Province, shewing that he is now by old Age & Infirmity of Body, reduced to extream Poverty, & not owned as an Inhabitant of any Town in the Province, praying for releif & Support from this Court.

Read and

*Ordered* that the Pet<sup>r</sup> be supported at the Charge of the Province. And that the Select Men of Holliston be directed to take the care of him, and that they lay their Accounts from time to time before the Gov<sup>r</sup> & Council in order to be allowed. [Passed January 17.

Legislative Records of the Council, xix., 260. Mass. Archives, cv., 377.

Mass. Archives, cv., 375. House Journal, pp. 113, 115.

## CHAPTER 130.

ORDER IMPOWERING ESTHER STONE, ADMINISTRATRIX, TO SURVEY AND LAY OUT 200 ACRES OF LAND.

A PETITION of Esther Stone, Administratrix on the Estate of Simon Stone, late of Lancaster, shewing that the said Simon, by a Surveyor & Chainmen on Oath, laid out a Grant of Two Hundred & twenty Acres of Land made to him by this Court, that since his Decease it appears that the said Survey interferes with the Lines of the Town of Leominster, Therefore praying in behalf of the Heirs of the Dec<sup>d</sup> that the said Grant may be laid out in some other Place.

Read and

*Ordered* that the Pet<sup>r</sup> be allowed by a Surveyor and Chain Men under Oath, to lay out two hundred Acres of Land (including the land that was unappropriated in the first laying out) between Leominster and Narragansett Number. 2. if there be a sufficient quantity there, if not, in any other unappropriated Land in the Western parts of the Province, adjoyning to some Township to Satisfie the Grant herein mentioned. The said Pet<sup>r</sup> to return a Plat thereof to this Court, within Six Months from this time, for confirmation. [Passed January 17.

Legislative Records of the Council, xix., 260. Mass. Archives, xviii., 698.

Mass. Archives, xviii., 697. House Journal, pp. 109, 110, 117. Province Laws, xii., 636, chap. 152.

## CHAPTER 131.

ORDER CONFIRMING A DEED OF LAND BY JOHN FRIZZEL TO CAPT. DANIEL WARD.

A PETITION of John Frizzel of Shrewsbury praying that this Court, would confirm a Deed of Sale of Fifty Acres of Land in Shrewsbury, to Capt Daniel Ward of Worcester which the Petitioner gave him while he was under Age

Legislative Records of the Council, xix., 261. Mass. Archives, xviii., 702.

Read & it appearing to be agreeable to all Parties concerned,

*Ordered* that the Prayer of this Petition be granted, & that, the Deed within mentioned, from the Petitioner, be & hereby is con-

Mass. Archives, xviii., 700. House Journal, pp. 111, 117.

firmed, & declared as good & valid to all Intents & Purposes, as if he had been of full Age, when he executed the same. [*Passed January 17.*<sup>1</sup>

## CHAPTER 132.

### ORDER IMPOWERING PATIENCE LAMPSON TO SELL AN ESTATE.

Legislative  
Records of the  
Council, xix.,  
260.

Mass.  
Archives,  
xviii., 705-707.  
House Jour-  
nal, pp. 107, 117.

A PETITION of Patience Lampson, Widow of Timothy Lampson late of Concord dec'd shewing forth that the Personal Estate of the said Deceased is not sufficient to pay off his Debts, & that the real Estate cannot be divided without Spoiling the whole & therefore praying that she may be impowered to sell the whole real Estate, the residue after the Debts are paid, to be disposed of according to Law.

Read &

*Ordered* that the Petitioner be allowed & impowered to make Sale of the real Estate within mentioned for the most the same will fetch & that she Execute a good Deed or Deeds of the same, she observing the Directions of the Law relating to the Sale of Intestate Estates, & that she be allowed the Improvement of one Third Part of the Produce of the Premisses, that shall remain (after just Expences of all Sorts, allowed by the Judge of Probate for the County of Middlesex are deducted) during her Life provided she give sufficient Security to the said Judge, that the principal Sum shall at her Death, revert to the Heirs of the said Deceased, & to apply the two Thirds agreeable to Law. [*Passed January 18.*

## CHAPTER 133.

### ORDER IMPOWERING ELIZ. BARRETT & OTHERS TO SELL AN ESTATE.

Legislative  
Records of the  
Council, xix.,  
261. Mass.  
Archives,  
xviii., 722.

Mass.  
Archives,  
xviii., 721-726.  
House Jour-  
nal, p. 119.

A PETITION of Elisabeth Barrett Widow of Thomas Barrett, late of Malbrô Dec'd & others the Heirs of the said Thomas (one Minor excepted) setting forth the Benefit of all concerned, having the real Estate of the said Thomas left to said Widow for her Improvement during Life, forthwith sold, Therefore praying that they may be impowered by this Court to sell the same,

Read and

*Ordered* that the Pet<sup>rs</sup> be and they hereby are Impowered to make sale of the Estate within mentioned to the highest Bidder, and to Execute a good Deed or Deeds for the Same. And that the Interest of one third part of the produce of said Sale be applyed for the Support of the said Elizabeth as herein mentioned. The Pet<sup>rs</sup> first giving Caution to the Judge of Probate for the County of Middlesex, that the several Heirs shall recieve their proportion of said third part, agreeable to the last Will and Testament of the within named Thomas Barret Dec'd. [*Passed January 18.*

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is January 18.

## CHAPTER 134.

## ORDER ALLOWING £3. 6. 7 TO THOS BROWN.

A PETITION of Thomas Brown of Concord, praying for an Allowance from this Court to pay his Doctors Bill for Medicines & Attendance in his Sickness while he was in the Service of the Province as a Soldier under Capt Melvil<sup>1</sup>

Read &

*Ordered* that the Petitioner be allowed out of the publick Treasury the Sum of Three Pounds, six shillings & seven pence in full Consideration of the Expence within mentioned. [Passed January 18.]

Legislative Records of the Council, xix., 261.

House Journal, pp. 116, 117.

## CHAPTER 135.

## ORDER IMPOWERING ELIZABETH ABRAM, INDIAN, TO SELL LAND.

A PETITION of Elisabeth Abram of Grafton, shewing that her Father Andrew Abram (now deceased) gave her by Deed fifty Acres of Land in said Place, upon Condition of her supporting her aged Mother, & for as much as the Yearly Proffits of the said Land are insufficient for that End, praying that she may be allowed to sell the Same & convert it into Money

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted, and the Pet<sup>r</sup> is allow'd and impower'd (with the advice and assistance of the Hassannisco Trustees) to make Sale of the Land within mention'd; and to execute, in due form of Law, a Deed or Deeds for conveyance Thereof, to Such person or persons as Shall give most for the Same; And that the Produce thereof (after the Petitioner's just Debts are paid) be put into the hands of the Said Trustees; That the Interest thereof be apply'd for the Support of the Pet<sup>s</sup> mother as her necessities may call for the Same during her Life, and at her decease for the use of the Pet<sup>r</sup> and her heirs, and that the Said Trustees be accountable to this Court. [Passed January 19.<sup>2</sup>]

Legislative Records of the Council, xix., 263. Mass. Archives, xxxii., 85.

Mass. Archives, xxxii., 85. Legislative Records of the Council, xviii., 43. House Journal, p. 120.

## CHAPTER 136.

## ORDER REMITTING TO THE TOWN OF HOPKINTON A FINE FOR NOT SENDING A REPRESENTATIVE.

A PETITION of the Select Men of the Town of Hopkinton, setting forth the Reasons of their not sending a Representative to the General Court, praying that the Fine laid on said Town on that Account may be remitted

Read and

*Ordered* that the Prayer of this Pe<sup>tn</sup> be granted and the Fine within mentioned is hereby remitted accordingly. [Passed January 19.<sup>3</sup>]

Legislative Records of the Council, xix., 266. Mass. Archives, exv., 792.

Mass. Archives, cxv., 791. House Journal, p. 120.

<sup>1</sup> The House Journal, p. 116, reads, "Capt. Eleazer Melvin."

<sup>2</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is January 22.

<sup>3</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is January 23.

## CHAPTER 137.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE PET<sup>T</sup>  
OF PLIMPTON S<sup>O</sup> PRECINCT AND CONFIRMING THE TAX BILLS.

Legislative  
Records of the  
Council, xix.,  
233, 267. Mass.  
Archives, cxv.,  
716.

House Jour-  
nal, pp. 82, 111,  
121.

A PETITION of the Comm<sup>tee</sup> of the South Preeinct in Plymton, shewing that they committed to Eleazer Richards, Constable of said Town, a Tax for their foriner Ministers Arrears &c. to collect, that he collected a considerable Part thereof on some of the Inhabitants, & made Distress on others, who carried the Matter into the Common Law, & recovered Jndgm<sup>t</sup> against him, that the said Constable refuses to pay in what he has collected, & to collect the remainder, And therefore praying that this Court would confirm their rate Bills as they stand or otherwise releive them.

The Committee on the Petition of Barnabus Shirtliff & others a Comm<sup>tee</sup> for the South Preeinct in Plymton, have Considered the same & report as follows, viz<sup>t</sup>

That the Prayer of the Petition be granted, & that an Order pass the Hon<sup>ble</sup> Court to make good to all Intent<sup>s</sup> & purposes the Tax Bills as mentioned in said Petition

All which is humbly submitted

SAMUEL WATTS *pp* order

Read and

*Ordered* That this Report be and the same is hereby is<sup>1</sup> accepted and the Tax Bills or assessments within referr'd to are confirm'd and declar'd valid to all Intent<sup>s</sup> and Purposes accordingly. [Passed January 19.<sup>2</sup>

## CHAPTER 138.

ORDER IMPOWERING BETTY BENT TO PAY £53. 6. 8 TO MARY BENT FOR  
DOWER INTEREST.

Legislative  
Records of the  
Council, xix.,  
263. Mass.  
Archives,  
xviii., 683.

Mass.  
Archives,  
xviii., 682.  
House Jour-  
nal, p. 126.

A PETITION of Mary Bent relict Widow of David Bent of Framingham dec<sup>d</sup> & of Betty Bent Widow of John Bent, Son of the said David, shewing that the said John in his Life time sold the real Estate of his said Father, his Mother Mary Bent joining in the Deed And with the purchase Money he bought another real Estate, intending to secure to his Mother her Dower therein, as in the first mentioned Estate, but died before it was effected. And therefore praying that the said Betty, Administ<sup>x</sup> of the Estate of her late Husband John Bent, may be impowered by this Court to pay unto the said Mary out of the said Estate, Fifty three pounds Six shillings & eight pence which is agreed upon by them, as an Equivalent for her Dower.

Read and

*Ordered* That the Prayer of the Petition be granted and that the Pet<sup>r</sup> Betty Bent pay to the Pet<sup>r</sup> Mary the Sum of fifty three pounds Six shillings and eight pence lawful money, out of the Produce of the Real Estate within mention'd to be Sold, in full of the Said Mary's Right of Dower in said Land: And that the Judge of Probate for the County of Middlesex allow the Pet<sup>r</sup> Betty this Said Sum in her account of Administration. [Passed January 22.

<sup>1</sup> *Sic.*

<sup>2</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is January 23.

## CHAPTER 139.

ORDER ALLOWING £3. 4 TO JN<sup>O</sup> DAVIS.

A PETITION of John Davis of Lynn, shewing that he was wounded by the Indian Enemy, while he was a Soldier in the Service of this Government by which he is disabled from Labour, Therefore praying for an Allowance from this Court

Read and

*Ordered* that the Pet<sup>r</sup> be allowed three pounds four Shillings out of the publick Treasury into the hands of Capt<sup>t</sup> Newhall Rep<sup>ue</sup> of Lynn for the relief of the Pet<sup>r</sup> in consideration of his Sufferings abovementioned. [Passed January 22.

Legislative Records of the Council, xix., 263. Mass. Archives, lxxiii., 736.

House Journal, pp. 113, 125.

## CHAPTER 140.

## ORDER IMPOWERING MARY MAKEPIECE, ADMINISTRATRIX, TO SELL A RIGHT TO LAND AND TO EXECUTE DEED OR DEEDS THEREFOR.

A PETITION of Mary Makepiece of Norton, Widow and Administratrix of the Estate of John Makepiece, shewing that the personal Estate is insufficient to pay the Debts thereon, And therefore praying that she may be impowered by this Court to sell the whole of a Right of Land in the Town of Stoughton belonging to the said Estate, that so she may be able to educate the Children & pay the Debts

Read and

*Ordered* that the Pet<sup>r</sup> be allowed and impowered in her within mentioned Capacity to make Sale of the Right of land herein mentioned and to make & execute a good Deed or Deeds of the same. She observing the directions of the Law respecting the sale of real Estates; and giving due Caution to the Judge of Probate for the County of Bristol to be accountable for the remainder of the money arising by s<sup>d</sup> Sale (except what shall be applyed for the payment of the Debts of the Dec'd) as herein mentioned. [Passed January 22.

Legislative Records of the Council, xix., 264. Mass. Archives, xviii., 709.

Mass. Archives, xviii., 708. House Journal, p. 124 bis. Province Laws, ii., 151, chap. 10.

## CHAPTER 141.

ORDER IMPOWERING MATH<sup>W</sup> AND SARAH BRIGHT, EXECUTRIX, WITH THE CONSENT OF JOHN PIERCE, GUARDIAN, TO SELL REAL ESTATE.

A PETITION of Mathew Bright & Sarah his Wife late Widow & Executrix of Richard James jun<sup>r</sup> of Marblehead & of John Pierce Guardian of his Children, shewing that the Personal Estate is less than the Debts, & the real consists only of a Single House, & twelve Rods of Land, which cannot be divided, therefore praying for Liberty to sell the whole The Remainder (after the Debts are paid) to be disposed of according to Law

Read and

*Ordered* that the abovenamed Mathew Bright and Sarah his Wife Executrix as abovesaid be and they hereby are Impowered with the

Legislative Records of the Council, xix., 265. Mass. Archives, xviii., 673.

Mass. Archives, xviii., 672. House Journal, pp. 69, 97. Province Laws, ii., 151, chap. 10.

Consent of John Pierce Guardian as abovesaid to Sell the House and Land mentioned. They Observing the Province Law respecting the Sale of Intestates real Estates. And giveing Security to the Judge of Probate for the County of Essex to apply the Proceeds of such Sale to the payment of the Deceased's Just Debts, funeral Charges &c And delivering the residue thereof to the said John Pierce Guardian &c for the Use of the Deceased's Children agreeable to His Will.

Save only that the Lawful Interest of one third part of such residue be paid to the aforesaid Sarah during her natural Life. [Passed January 22.]

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## CHAPTER 142.

### ORDER OF NOTICE WITH STAY OF PROCEEDINGS ON THE PETITION OF THE DISTRICT OF DOUGLASS IN REGARD TO DIVERS ESTATES.

*Legislative Records of the Council, xix., 268. Mass. Archives, cxv., 775.*

*Mass. Archives, cxv., 774. House Journal, pp. 115, 116. Province Laws, xiii., 596, chap. 10.*

A PETITION of Samuel Dudley Agent for the District of Douglas shewing that Whereas this Court were pleased divers Years since to vote that the Farms of Benjamin Murdock & Daniel Draper should be annexed to the Town of Uxbridge, it is supposed to have been done thro' mistake for that the Farms aforesaid were included in the Plan of Douglas as allowed by the Court. And therefore praying that the said Farms may be taken off from Uxbridge and set back to Douglas, and that an Action commenced by the Select men of Uxbridge against the District of Douglas for not runing their Boundary Line with Uxbridge may be suspended in the mean time

Read and

*Ordered* that the Pet<sup>r</sup> serve the Town of Uxbridge; the Heirs of Benjamin Murdock, and David Draper with Copys of this Pe<sup>t</sup>n that they respectively Shew cause if any they have on the Second tuesday of the next Sitting of this Court why the Prayer thereof should not be granted. And the Action brought by John Harwood Esq<sup>r</sup> ag<sup>t</sup> the Select Men of Douglas is stayed in the mean time. [Passed January 22.<sup>1</sup>]

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## CHAPTER 143.

### ORDER IMPOWERING THE COMMISSARY GENERAL TO DELIVER A GUN TO CAPT SAM<sup>L</sup> WHITE.

*Legislative Records of the Council, xix., 266. Mass. Archives, Ixxiii., 752.*

*House Journal, p. 129.*

A PETITION of Capt Samuel White of Taunton shewing that he furnish'd one Benjamin Harvey (who was pressed into the Service as a Soldier) with a Gun which was lost in an Engagement with the Indian Enemy, praying that he may be allowed for the same by this Court.

Read and

*Ordered* that the Commissary Gen<sup>l</sup> be directed to deliver the Pet<sup>r</sup> a Gun out of the Province Store in Lieu of the Gun above mentioned. [Passed January 23.]

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is January 23.

## CHAPTER 144.

ORDER IMPOWERING JA<sup>S</sup> THOMAS, INDIAN, TO SELL LAND.

A PETITION of James Thomas of Middlebrô Indian, praying that he may be impowered by this Conrt to sell thirty two Acres of Land in the said Place to defray the Charge of Sickness in his Family & the maintenance of his Aged Father, & to enable him to maintain him for time forward, and that the Petitioner may be likewise impowered to give a quit Claim to Thirty five Acres of Land laid out in the Year 1743, to Capt Washburn & others

Read and

*Ordered* that the Pet<sup>r</sup> with the advice and assistance of the Guardians of the Tetticut Indians be and he hereby is Impowered to Sell the Land herein mentioned for the most the same will fetch, and to Execute a good Deed or Deeds of the Same. The said Guardians taking care that the Money arising by said Sale be applyed to the payment of the Pet<sup>r</sup>'s Just Debts. And that the Overpluss (if any there be) be applyed for the comfortable Support of the Petitioner and Family as also his Aged Father and Mother.

*Ordered* also that the Pet<sup>r</sup> be allowed and impowered with the Advice and Assistance of the Guardians aforesaid to Quit his Claim to the 35 Acres of Land, laid out to Cap<sup>t</sup> Washburn and others in consequence of a Pet<sup>n</sup> of all the Parties concerned, granted in the Year 1743 in consideration of the Money formerly paid the Indians by Edward Mitchell Dee'd. The Quit claim to be made to the Heirs of Cap<sup>t</sup> Washburn Israel Washburne and James Boyes. [Passed January 23.

## CHAPTER 145.

ORDER GRANTING TO JA<sup>S</sup> GOOCH, JUN<sup>R</sup>, LICENCE TO SELL STRONG DRINK.

A PETITION of James Gooch jun<sup>r</sup> of Boston shewing that he is removed into a Honse in King Street called the Vernons head, used many Years by Licence for selling strong drink praying that the Court of General Sessions of the Peace for the County of Suffolk may be impowered to grant the Petitioner a Licence to retail strong drink in said House

Read and

*Ordered* that the Justices of the Gen<sup>l</sup> Sessions of the Peace for the County of Suffolk at their adjournment the 28<sup>th</sup> Curr<sup>t</sup> be allowed and impowered to grant the Pet<sup>r</sup> a Licence if they See cause to retail strong Liquors (The Pet<sup>r</sup> first obtaining the approbation of the Select Men of the Town of Boston as a Person qualifyed for that service) the time being elapsed notwithstanding. [Passed January 23.

Legislative Records of the Council, xix., 266. Mass. Archives, xxxii., 84.

Mass. Archives, xxxii., 82. House Journal, pp. 124, 127. Province Laws, xiii., 326, chap. 227; 337, chap. 255.

Legislative Records of the Council, xix., 236. Mass. Archives, cxii., 209.

Mass. Archives, cxii., 207. House Journal, pp. 123, 124.

## CHAPTER 146.

## ORDER OF NOTICE WITH STAY OF PROCEEDINGS, ON THE PETITION OF EASTON INHABITANTS IN REGARD TO BUILDING A MEETING HOUSE.

Legislative Records of the Council, xix., 266. Mass. Archives, xiii., 221.

Mass. Archives, xiii., 216—220. House Journal, pp. 127, 128.

A PETITION of Joshua Hayward & others a Comm<sup>tee</sup> for the Town of Easton, shewing that the said Town have voted to raise the Sum of Fifteen hundred Pounds old Tenor, for building a Meeting House at a certain Place agreed by the Inhabitants, the greatest part of which Money is already expended in that Service, notwithstanding which a Number of the Inhabitants have seperated from them, and are building another Meeting House; on the Borders of the Town, & the Minister of the said Town, is gone off with the said Seperatists & preaches to them in a private House, & refuses to preach to the People in the Meeting House, praying for Redress from this Court

Read and

*Ordered* that the Pet<sup>rs</sup> serve Cap<sup>t</sup> Eliphalet Leonard with a copy of this Pet<sup>n</sup> that He (or any other of his Associates) shew cause if any he hath on fryday the 8<sup>th</sup> of February next (if the Court be then sitting, if not on the first fryday of the next Sitting of this Court) Why the Prayer thereof should not be granted.

And all proceedings are Stayed in the mean time. [Passed January 23.

## CHAPTER 147.

VOTE ON THE MEM<sup>O</sup> OF WEST SOCIETY OF CONCORD DECLARING ASSESSMENTS VALID AND FURTHER ORDERING THE ASSESSMENT AND COLLECTION OF TAXES FOR THE SUPPORT OF THE SOCIETY.

Legislative Records of the Council, xix., 267.

House Jour. na], pp. 128, 129. Ante, p. 365, chap. 256.

A MEMORIAL of the West Society of the Town of Concord, shewing that there is arisen a Difficulty among them relating to the gathering of ye Taxes for the Support of the Ministry, because the Assessors that made those Taxes were not under Oath when they made them praying that this Court would confirm the said Assessments upon the Assessors being now put upon Oath, or otherwise releive the Memorialists as the Court shall think fit In Council Read & in Answer to this Petition

*Voted* that the Assessments within refer'd to be, & the same are declared valid to all Intents & Purposes whatsoever, the Want of the Assessors being sworne before they made the said Assessments notwithstanding, provided the said Assessors make Oath before a Justice of the Peace, that in making their respective Assessments, they proceeded equally & indifferently according to their best Skill & Judgment, & agreeable to the Rules prescribed by the Province Tax Act, subsisting at the time of making the said Assessments And also

*Voted* that Jonathan Butterick, Stephen Hosmer & Joseph Lee & such other Assessors, as now are, or hereafter may be appointed by the West Society, be & they hereby are impowered to assess such of the Inhabitants as now do, or heretofore did belong to the said Society their just & equal Proportions of all such Charges as have hitherto arisen towards the Maintenance and Support of the Ministry among them, & to make & perfect their List, issue Warrants to the Collectors, that now are or that may be hereafter appointed

by the said Society, for the levying & Collecting such Assessments, & paying in the same to such Person or Persons as are or may be appointed by said Society to receive the Same or any part thereof, & to do everything for enforcing the payment of such Sum or Sums as have been or may be assessed by them, as full & effectually as Precinct or Parish Assessors by Law are enabled to do. And the respective Collectors aforesaid are also impowered to do & perform every thing necessary for the collecting such Assessments as are or may be committed to them, as fully & effectually as any Precinct or Parish Collectors might do, Pursuant to Law, Provided the said Assessors & Collectors respectively be first sworne before a Justice of the Peace for the faithfull discharge of their respective Trusts. [Passed January 23.]

## CHAPTER 148.

### ORDER WITH STAY OF EXECUTION GRANTING A HEARING ON THE PETITION OF JN<sup>o</sup> MATHEWS FOR A NEW TRIAL OF A CAUSE.

ON THE PETITION of John Mathews [*ante*, p. 447, chap. 98]

Read, and it appearing that Japhet Bicknal the adverse Party has been served with a Copy of this Petition, but no Answer given, and the Matter being fully Considered.

*Ordered* that the Petitioner be & hereby is allowed a hearing on the Chancery of the Bond, herein mentioned at the Inferior Court of Common Pleas to be holden at Taunton in the County of Bristol, on the second Tuesday of March next, and the Justices of the said Court are hereby impowered and directed to hear the Parties, & chancer the Bond, and determine thereon pursuant to Law, and the Execution within mentioned is stayed in the mean time. Provided the Petitioner notify the said Bicknal of this Order fourteen Days at least before the said Courts sitting. [Passed January 24.]

Legislative Records of the Council, xix., 268.

House Journal, p. 132.  
*Ante*, p. 447, chap. 98.

## CHAPTER 149.

### ORDER GRANTING TO SETH ROSS LICENSE TO KEEP TAVERN.

A PETITION of Seth Ross of Concord shewing that he is lately removed into an House in said Town. which is very Conveniently situated for a Tavern & has been used for that Bussiness, for divers Years past by one Thomas Munroe, therefore praying that this Court would impower the Court of General Sessions of the Peace for the County of Middlesex to grant him a Licence

Legislative Records of the Council, xix., 268. Mass. Archives, cxii., 215.

House Journal, p. 132.

Read (together with the Certificate from the Select Men of Concord Approbating and Recommending the Pet<sup>r</sup> for that business) and

*Ordered* that the Justices of the Gen<sup>l</sup> Sessions of the Peace for the County of Midd<sup>x</sup> be allowed and impowered to grant the Pet<sup>r</sup> a Licence (if they See cause) the time for granting Licences being elapsed notwithstanding. [Passed January 24.]

## CHAPTER 150.

ORDER ALLOWING 15/ TO DAN'L BRAGDON.

Legislative  
Records of the  
Council, xix.,  
269.  
Mass.  
Archives, cii.,  
54.

*Ordered* that Daniel Bragdon be allowed out of the publick Treasury Fifteen shillings New Tenor in Lieu of that Sum burnt by Fire.<sup>1</sup>  
[Passed January 24.]

## CHAPTER 151.

Legislative  
Records of the  
Council, xix.,  
269.  
Mass.  
Archives, cii.,  
54.

VOTE FOR MEETINGS OF THE COMTEE FOR RECEIVG' BILLS OF CREDIT  
IN EXCHANGE FOR SILVER.

Mass.  
Archives,  
cxxxvi., 201.  
House Jour-  
nal, pp. 131, 132.  
Province  
Laws, iii., 555,  
chap. 24. *Anote*,  
p. 363, chap.  
265.

*Voted* that the Committee appointed to receive the Bills of Credit of the Province in exehange for Silver &c be directed to attend that business five days in the Week. The Vote of this Court restraining them to three days notwithstanding.

And that the Comm<sup>ee</sup> be directed to Insert in the News papers that Paragraph in the Act Limiting the time for exchanging said Bills to the 31<sup>st</sup> of March next. [Passed January 24.]

## CHAPTER 152.

ORDER ON THE PETITION OF SAMUEL STONE GRANTING A NEW TRIAL.

Legislative  
Records of the  
Council, xix.,  
262. Mass.  
Archives,  
xliii., 389-398.

Mass.  
Archives,  
xliii., 389-398.  
Legislative  
Records of the  
Council, xix.,  
271. House  
Journal,  
pp. 118, 135.

A PETITION of Samuel Stone of Charlestowne Complaining of a Judgment given against him by the Court of General Sessions of the Peace for the County of Middlesex in December last whereby he was adjudged, to maintain a Bastard Child born of the Body of Huldah Read, two of the Justices being related to the said Huldah & therefore praying for another Trial.

Read together with the Answer of Huldah Reed, & the matter being fully considered,

*Ordered* that the Prayer of this Petition be granted, And that the Court of General Sessions of the Peace to be holden at Charlestowne within & for the County of Middlesex on the second Tuesday of March next be & hereby are impowered & directed to hear & try the Affair within mentioned a new, & proceed & determine thereon agreeable to Law; Provided the Pet<sup>r</sup> notify the said Huldah of this Order fourteen days at least before the Sitting of said Court. [Passed January 26.]

## CHAPTER 153.

ORDER APPOINTING A COMTEE TO BURN TORN &amp; DEFACED BILLS OF CREDIT.

Legislative  
Records of the  
Council, xix.,  
271. Mass.  
Archives, cii.,  
547.

In the House of Repres<sup>es</sup>  
*Ordered* that Mr Speaker Mr Allen Mr Tyng Mr Gray Mr Oliver Cap<sup>t</sup> Williams and Mr Russell with such as the Hon<sup>ble</sup> Board shall

<sup>1</sup> Not found in the House Journal.

Joyn be a Comm<sup>c</sup> in the recess of the Court to take an Acct<sup>t</sup> of the torn and defac'd Bills in the Treasury Consume them to Ashes. And Report their doings hereon to this Court at their next Sitting

In Council Read & Concur'd & Jn<sup>o</sup> Osborne Jacob Wendell, Dan<sup>l</sup> Russell, Sam<sup>l</sup> Watts, Ezekiel Cheever & And<sup>w</sup> Oliver Esq<sup>rs</sup> are joined in y<sup>e</sup> Affair. [Passed January 26.]

House Journal, p. 136.

## CHAPTER 154.

### ORDER SETTLING TOLL OVER BRIDGE AT HIX'S FERRY.

A PETITION of Ann Hix Widow and Administrat<sup>x</sup> of William Hix late of Dartmouth deed shewing that the Bridge which was built by the said William over the River there at the Place called Hixes Ferry, is become now out of Repair & Chargeable to be kept in Repair And therefore praying that this Court would settle a Toll according to the rates stated in the Petition.

Read and in Answer hereto

Ordered that the Toll for passing over the Bridge within mentioned be as follows. Viz

For a Single Person an English half pence.

For a Man and Horse one penny half penny Lawful Money

For a Horse and Chair or Horse & Chaise two pence.

For twenty Sheep one penny half penny, and so in proportion for a greater or lesser Number

For each Ox or Cow an English half pence

For a Team of Oxen and Cart three pence

Provided the Pet<sup>r</sup> keeps said Bridge in good and passable repair; and also keep necessary and convenient passages for water Carraiges to pass through, as has been heretofore Customary. [Passed January 26.]

Legislative Records of the Council, xix., 273. Mass. Archives, cxxi., 275.

House Journal, pp. 123, 129. Province Laws, xii., 529, chap. 124.

## CHAPTER 155.

### ORDER ALLOWING £4 TO MOSES HOYT.

A PETITION of Moses Hoyt of Newbury, shewing that he being a Soldier in the Expedition against Cape Breton, received a Wound from the Enemy, which has rendred him unable to provide for his Family, therefore praying from this Court some further Allowance for his Support.

Read and

Ordered that the Pet<sup>r</sup> be allowed out of the publick Treasury the Sum of four pounds in consideration of his Sufferings within mentioned. [Passed January 26.]

Legislative Records of the Council, xix., 273. Mass. Archives, lxxviii., 728.

Mass. Archives, lxxviii., 728. House Journal, pp. 125, 128. Ante, p. 310, chap. 124.

## CHAPTER 156.

ORDER REFERRING THE PETITION OF JNO MARTIN AND ALLOWING £5 TO HIM.

Legislative  
Records of the  
Council, xix.,  
273. Mass.  
Archives,  
lxviii., 735.

House Jour-  
nal, pp. 135 *bis*,  
136.

A PETITION of John Martin of Brunswick, shewing that he was taken Prisoner by The Indians in September last, and carried to Canada, that he was obliged to engage for a Considerable Sum, for his Ransom which he is unable to pay, therefore praying for some Allowance from this Court for his Relief

Read and

*Ordered* that the consideration of this Pet<sup>n</sup> be referd till the next sitting of this Court and that the Pet<sup>r</sup> be allowed five pounds out of the Treasury for his travelling Expences in his way home. [Passed January 26.]

## CHAPTER 157.

ORDER ALLOWING £3. 9. 4 TO ALEX<sup>A</sup> TARRANT.

Legislative  
Records of the  
Council, xix.,  
274. Mass.  
Archives,  
lxixii., 745.

Mass.  
Archives,  
lxixii., 745.  
House Jour-  
nal, pp. 133, 137.  
*Ante*, p. 420,  
chap. 30.

A PETITION of Alexander Tarrant of Salem setting forth his present helpless Condition, by Wounds he received in the Expedition against Cape Breton, and praying for further Relief from this Court.

Read and

*Ordered* that the Sum of three pounds Nine shillings and four pence be allowed out of the publick Treasury, to the Pet<sup>r</sup> in consideration of his Sufferings and Expences within mentioned. [Passed January 28.]

## CHAPTER 158.

ORDER ALLOWING £2. 13. 4 TO HENRY KING.

Legislative  
Records of the  
Council, xix.,  
275. Mass.  
Archives,  
lxiv., 378.

Mass.  
Archives,  
lxiv., 376.  
House Jour-  
nal, pp. 55, 103,  
139.

A PETITION of Henry King of Boston Pilot, praying for an Allowance for Services done for this Government in impressing & for providing a Boat for carrying Officers & Soldiers aboard their Vessells &c.

Read and

*Ordered* that the Pet<sup>r</sup> be allowed out of the publick Treasury Two pounds thirteen Shillings and four pence in full consideration for his Services within mentioned. [Passed January 29.]

## CHAPTER 159.

ORDER IMPOWERING CPT MOSES BENNET TO MAKE UP HIS MUSTER ROLL.

Legislative  
Records of the  
Council, xix.,  
276. Mass.  
Archives,  
lxiv., 403.

A PETITION of Capt Moses Bennet shewing that he has had the Care of the Ship Massachusetts Frigate ever since she was haled up, that he understood that there was an Agreement between this Court & Joshua Winslow Esq<sup>r</sup> & others, for the Employment of the said

Ship, and therefore he made application to them for payment of himself & two Men from the Time when the said Ship was removed by their Order, but they refusd Payment, Therefore praying for Leave of this Court, to make up his Muster Roll for payment out of the publick Treasury

Read and

*Ordered* that the Pet<sup>r</sup> be allowed to make up his Musterroll from Feb<sup>y</sup> 16. 1749. to August 6<sup>th</sup> 1750

And that He be allowed the amount thereof out of the publick Treasury. [Passed January 30.]

## CHAPTER 160.

### ORD<sup>R</sup> DIRECTING Y<sup>E</sup> TREAS<sup>R</sup> TO PAY HALVES, QUART<sup>R</sup> &c OF DOLLARS.

*Ordered* that the Treasurer be directed in paying the Silver out of the Treasury; to pay the halves, and Quarters and Eighths and Sixteenths of Dollars in proportion to the Silver that is still left in the Treasury. [Passed January 30.]

Massa.  
Archives,  
xxiv., 402.  
House Jour.  
nal, pp. 77, 116,  
133. *Ante*,  
p. 423, chap. 51.

Legislative  
Records of the  
Council, xix.,  
276. Mass.  
Archives, cii.,  
553.

House Jour.  
nal, p. 141 *bis*.  
Province  
Laws, iii., 508,  
note.

## CHAPTER 161.

### ORDER DIRECTING THE COMMITTEE ON THE £100,000 LOAN TO MAKE A REPORT.

WHEREAS this Court have pass'd several Orders directing the Committee or the surviv<sup>r</sup>s of them who were Appointed to finish the one hundred Thous<sup>d</sup> pound Loan. to make report of their doings to this Court which orders have not yet been Complied with Wherefore

*Ordered* That the s<sup>d</sup> Committee be & hereby are directed forthwith to make report how far they have proceeded thereon that so a final Issue may be put to the s<sup>d</sup> Loan. [Passed January 30.]

Legislative  
Records of the  
Council, xix.,  
276. Mass.  
Archives, cii.,  
552.

Legislative  
Records of the  
Council, xviii.,  
431. House  
Journal, p. 141.

## CHAPTER 162.

### ORDER DIRECTING THE TREASURER AS TO THE PROPORTION OF COPPERS TO BE RECEIVED FOR TAXES.

*Ordered* that the Treasurer be directed in recieving the Taxes from the several Collectors and Constables through the Province to accept in payment the same proportion of Coppers with the Silver, as he has been directed to deliver out in payment in ex-<sup>1</sup> change for Bills &c. [Passed January 30.]

Legislative  
Records of the  
Council, xix.,  
277. Mass.  
Archives, cii.,  
554.

House Jour.  
nal, p. 141.

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is January 31.

## CHAPTER 163.

## ORDER ALLOWING £73. 11. 3 TO JOS. FRIE.

Legislative  
Records of the  
Council, xix.,  
277. Mass.  
Archives,  
lxixiii., 737.

Mass.  
Archives,  
lxixiii., 737.  
House Jour.  
nal, pp. 113, 135,  
141.

A PETITION of Joseph Frie, shewing that he was Commander of a Company of Soldiers on the Frontiers, that for Part of the Time there was no Provision made for their Subsistence, out of the publick Stores, so that the Petitioner was obliged to purchase it with his own Money, that he has applied to the Commissary General for a Reimbursm<sup>t</sup> that he offers to pay him in Provisions, which will be a great Loss to the Petitioner therefore praying his full Charge in Money out of the publick Treasury

Read and

*Ordered* that the Pet<sup>r</sup> be allowed out of the publick Treasury Seventy three pounds Eleven Shillings and three pence in full consideration of his Expences within mentioned. [Passed January 30.<sup>1</sup>

## CHAPTER 164.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE LETTERS OF MONS<sup>R</sup> CASTEEN AND OTHERS.

Legislative  
Records of the  
Council, xix.,  
278. Mass.  
Archives,  
liv., 9.

Mass.  
Archives,  
liv., 8. Legis.  
lative Records  
of the Council,  
xix., 269.  
House Jour.  
nal, p. 132.

THE COMM<sup>TEE</sup> appointed to take under Consideration the Letters of Casteen's, Sebousets &c<sup>a</sup><sup>2</sup> having attended the Service are humbly of Opinion.

That it may be Convenient for His Honour the Lienten<sup>t</sup> Governor by a Letter to Casteen to invite him to Boston, & to assure him of Protection & Safety on his Passage [from Penobscot to Boston,] <sup>3</sup> & untill his Return to Penobscot, and that His Honour with the Advice of the Council, endeavour to engage him in the Interests of the English by such Ways & Means as may Consist with the Honour of the Government, but not to Comply with his proposal of furnishing a Vessel & Goods without the Consent of the whole Court. The Comm<sup>tee</sup> are further of Opinion that there be allowed to Lewis's Son <sup>2</sup> Four Pounds (to be taken out of the Truck Trade) as a Token of the Esteem of the Governm<sup>t</sup> not only for his own Declaration of Friendship, but the many Instances of his Fathers good Affection to us:

All which is humbly Submitted

JN<sup>O</sup> WHEELWRIGHT  $\wp$  Order

Read and

*Ordered* that this Report be accepted. [Passed January 30.<sup>1</sup>

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is January 31.

<sup>2</sup> Legislative Records of the Council, xix., 269, reads, "the Letters of Casteen. Saboo-set. & Keheret Lewis's Son."

<sup>3</sup> Inserted from Mass. Archives, liv., 8.

## CHAPTER 165.

ORDER EMPOWERING JOHN WORTHINGTON TO ENTER A COMPLAINT  
IN THE SUPERIOR COURT AT SPRINGFIELD.

A PETITION of John Worthington Esq<sup>r</sup> as Attorney to Daniel Edwards & David Clark, both of Coventry in the Colony of Connecticut, shewing that at the Inferior Court of Common Pleas for the County of Hampshire in May last the said Edwards & Clark brought their Actions severally against Daniel Edwards, of the Plantation called Bedford in the said County & severally recovered Judgment against him, from which he appealed to the Superior Court, for said County, held in September last, but failed of prosecuting his Appeal. And the Petitioner (who acted as Attorney) forgetting to put in a Complaint against the Appellant, the Appellee cannot have the Benefit of said Judgments, as the Matter now stands Therefore praying that the Petitioner on their behalf, may be empowered to enter their Complaint, at the next Superior Court, for said County, & the Judges to proceed thereupon.

Legislative Records of the Council, xix., 249. Mass. Archives, xliii., 267.  
Mass. Archives, xliii., 266-269. Legislative Records of the Council, xix., 277. House Journal, pp. 95, 144.

Read together with the Answer of Cornelius Jones Attorney to the Adverse parties, & the Matter being considered,

*Ordered* that the Prayer of the Pet<sup>n</sup> be so far granted, as that the Pet<sup>r</sup> be & hereby is allowed to Enter the Complaints within mentioned at the Sup<sup>r</sup> Court of Judicature &c to be holden at Springfield within & for the County of Hampshire in September next; And the Justices of the said Court are empowered to determine thereon pursuant to Law. [Passed January 31.

## CHAPTER 166.

## ORDER INVESTING THE INHABITANTS OF THE NEW PRECINCT ERECTED OUT OF NEW BRAINTREE AND PARTS OF HARDWICK AND BROOKFIELD WITH THE PRIVILEGES OF A DISTRICT, AND CALLING A DISTRICT MEETING.

A PETITION of the Inhabitants of the Precinct consisting of the Lands called new Braintree & part of the Town of Hardwick, setting forth their Circumstances, and praying that they may be vested with the Powers & Priviledges necessary for the well ordering of their publick Affairs.

Legislative Records of the Council, xix., Archives, cxv., 735.

Read and

*Ordered* that the Prayer of this Pet<sup>n</sup> be so far granted as that the Lands herein mentioned and the Inhabitants thereon be Erected into a District and Vested with such Powers and Priviledges as Towns by Law Enjoy, so far as relates to the Choice of Town Officers, and for granting Money from time to time to defrey the Charges of said District, and for Man[a]ging their other Affairs Settling a Minister, Erecting and Finishing a Meeting House and making all needful Roads and Ways.

Mass. Archives, cxv., 733. House Journal, pp. 112, 144. Ante, p. 453, chap. II5.

*Ordered* also that M<sup>r</sup> Eleazar Warner a principal Inhabitant in said place be Impowered to Call the first District Meeting. [Passed January 31.

## CHAPTER 167.

## ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE CONNECTICUT CONTROVERSY AND THE CLAIMS OF THE FRENCH.

Legislative Records of the Council, xix., 277. Mass. Archives, xx., 678.

House Journal, pp. 111, 117, 145. *Ante*, p. 460, chap. 128.

THE COMM<sup>TEE</sup> appointed to Consider what is further necessary to be done with relation to the Controversy with Connecticut, and also the Claim made by the French upon the Continent, having again attended the Bussiness are of Opinion, that in as much as the Lieut<sup>t</sup> Gouvernour & Conseil have furnished the Agent with all such Evidence as could be procured in the Province relating to the French Claims, nothing more remains to be done by the Court than an humble Address to his Majesty on this Subject, which the Comm<sup>tee</sup> have prepared & present herewith accordingly, & humbly submit the Same

per Order of the Com<sup>tee</sup>

J. CHANDLER

Read & Accepted. [Passed January 31.

## CHAPTER 168.

ORDER ALLOWING £73. 11. 6 TO JN<sup>O</sup> WHEELWRIGHT, COMISSY GEN<sup>L</sup>.

Legislative Records of the Council, xix., 278.

House Journal, p. 144.

THE ACCOMPTS of John Wheelwright Esq<sup>r</sup> Commissary General of this Province, of subsisting the Soldiers raisd for the intended Expedition against Canada amounting to the Sum of £79,264. 1. 1 he having received out of the publick Treasury the Sum of £79,815. 17. 4 Ballance being, £551. 16. 3 O Tenor, which the Commissary Accounts for by his own Trouble & Charge of Assistants.

Read &

*Ordered* that the Sum of Seventy three Pounds eleven Shillings & six pence be allowed out of the publick Treasury to John Wheelwright Esq<sup>r</sup> Commissary General in Consideration of his Services & Expences mentioned. [Passed January 31.

## CHAPTER 169.

## ORDER GRANTING TO RICHARD TREAT AND HIS THREE ELDEST SONS 200 ACRES OF LAND.

Legislative Records of the Council, xix., 279. Mass. Archives, xiii., 200.

Mass. Archives, xiii., 199. House Journal, pp. 139, 145.

A PETITION of Richard Treat Shewing that he has served the Province for many Years in the late War, and that being put to great Straits he settled himself upon Province Land near Sheffield without Leave of the Governm<sup>t</sup> praying that this Court would grant him so much of the said Land, as they shall in their great Goodness think fit for himself & Sons.

Read and

*Ordered* that there be granted to the Pet<sup>r</sup> and his three Eldest Sons in equal Shares two hundred Acres of Land at the West of Sheffield including the Improvements He has made Where He now dwells.

Provided the Tract interferes with no former Grant And he returns a Plan of said land to this Court within Six Months for confirmation. [Passed February 1.

## CHAPTER 170.

## ORDER ALLOWING £15. 13 TO DR. ISRAEL ASHLEY.

A MEMORIAL of Israel Ashley of Westfield, shewing that divers Inhabitants of the Six Nations, who had been serviceable in the late War Coming down to Boston Stopt at Westfield, And the Memorialist being sensible of their Losses in the English Service presented them with Guns, Blankets & other necessaries to the amount of £15. 13 praying that he may be reimbursed

Read and

*Ordered* that the Prayer of the Memorialist be granted and that He be allowed the Sum of fifteen pounds thirteen Shillings out of the publick Treasury in consideration of the Expences in the Acc<sup>t</sup> exhibited herewith mentiond. [Passed February 1.

Legislative Records of the Council, xix., 279. Mass. Archives, xxii., 97.

Mass. Archives, xxxii., 96a-98. House Journal, p. 147.

## CHAPTER 171.

## ORDER ALLOWING £4 TO PETER DOGAMUS, INDIAN.

A PETITION of Peter Dogamus of Yarmouth Indian, shewing that he has Spent a great Part of his Life in the Service of the Province, as a Soldier & was kept a long time in Captivity in Canada, from whence he is lately returned, and being now grown old & unable to Support himself, therefore praying for Some relief from this Court.

Read and

*Ordered* that the Sum of four pounds be allowed out of the publick Treasury to Maj<sup>r</sup> Thacher for the Use of the Pet<sup>r</sup> in consideration of his Sufferings within mentioned. [Passed February 2.<sup>1</sup>

Legislative Records of the Council, xix., 279. Mass. Archives, lxiii., 744.

Mass. Archives, lxiii., 744. House Journal, pp. 141, 146.

## CHAPTER 172.

## ORDER IMPOWERING EDWARD BANGS, GUARDIAN, TO SELL LAND.

A PETITION of Moses Young & Thomas Young of Hardwick Minors & Edward Bangs their Uncle & Guardian, praying for Licence from this Court to sell three Acres of Land & one Acre of Meadow lying in the Town of Eastham, belonging to the said Minors the same being of little Proffit to them as it lies, and might be for there Advantage if it were Converted into Money.

Read and

*Ordered* that the within named Guardian be and he hereby is Impowered to make sale of the Land within mentioned for the most the same will Sell for, He giving Security to the Judge of Probate for the County of Barnstable, that the produce thereof be applyed agreeable to the Prayer of this Petition. [Passed February 2.

Legislative Records of the Council, xix., 280. Mass. Archives, xviii., 715.

Mass. Archives, xviii., 714. House Journal, pp. 140, 146.

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council and the House Journal the date is February 1.

## CHAPTER 173.

Legislative  
Records of the  
Council, xix.,  
280. Mass.  
Archives, cii.,  
557.

Mass.  
Archives, cii.,  
555. House  
Journal, p. 147.  
*Ante*, p. 369,  
chap. 265.

## ORDER DIRECTING THE TREASURER AS TO THE MANNER OF PAYING OUT SILVER.

*Ordered* that the Treas<sup>r</sup> be directed to pay out the hammer'd Money by Weight at six shill<sup>gs</sup> & eight pence pOz. And when any Person shall bring Orders from the Com<sup>ee</sup> for exchanging Bills to the Amount of Twenty Pounds or upwards, That then he deliver One quarter part of said Summ in Hammered Money.<sup>1</sup> [Passed February 4.<sup>2</sup>

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## CHAPTER 174.

## ORDER ALLOWING £5 TO JOHN SAVELL.

Legislative  
Records of the  
Council, xix.,  
280. Mass.  
Archives,  
xix., 296.

Mass.  
Archives,  
xlix., 295.  
House Jour-  
nal, pp. 78, 128,  
145.

A PETITION of John Savell of Boston, setting forth his Services as Door keeper to the General Court divers Months & other Services for the Governm<sup>t</sup> & praying for some proper allowance for the Same

Read and

*Ordered* that the Pet<sup>r</sup> be allowed five pounds out of the publick Treasury in full Consideration for his Services herein mentioned. [Passed February 4.

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## CHAPTER 175.

ORDER IMPOWERING JN<sup>O</sup> LYDSTONE TO SURVEY AND LAY OUT 300 ACRES OF LAND.

Legislative  
Records of the  
Council, xix.,  
281. Mass.  
Archives,  
xlii., 226.

Mass.  
Archives,  
xvi., 225; 227;  
lxviii., 676.  
House Jour-  
nal, pp. 14, 116,  
132. Province  
Laws, xiii., 430,  
chap. 174.

A PETITION of John Lydstone of Kittery, shewing that whereas this Court was pleased in the Year 1744, to make a Grant of three hundred Acres of Land to him in Consideration of his Services & Sufferings in the War, the matter was Concealed from him till lately, & praying that the said Grant may be renewed & he allowed to return a Plat of said Lands.

Read and

*Ordered* that the Pet<sup>r</sup> have liberty by a Surveyor and Chain Men under Oath to lay out three hundred Acres of Unappropriated Land in the County of York adjoyning to some Township or former Grant and return a Plat thereof to this Court within twelve Months for confirmation. [Passed February 4.

<sup>1</sup> The Secretary's record of this order, Legislative Records of the Council, xix., 280, reads, after the word "deliver," "mill'd Dollars & hammer'd Money in proportion to the quantity of each Sort remaining in the Treasury." But according to Mass. Archives the words just quoted were struck out and the words above given, "One quarter . . . Money," were inserted in their place.

<sup>2</sup> This date is according to Mass. Archives; according to Legislative Records of the Council and the House Journal the date is February 1.

## CHAPTER 176.

VOTE DIRECT<sup>G</sup> CLERKS OF NEW TOWNSHIPS TO LODGE ATTESTED COPIES OF ORIGINAL GRANTS &c. IN THE SECRETARY'S OFFICE.

WHEREAS Sundry of the Clerks of the New Townships have neglected to make returns of the state of said Townships according to the Order of this Court. And those Who have made returns, have not been under Oath in that matter Therefore

Legislative Records of the Council, xix., 281. Mass. Archives, cxv., 824.

*Voted* that the several Clerks of the respective Townships be and they hereby are directed to Deposit attested Copy's under Oath, of all the Original Grants that have been made within these thirty Years past, together with a List of the Names of the Grantees, and Who have fulfil'd the Conditions of their Grants into the Secretary's Office by the last day of March next upon pain & Peril of the displeasure of this Court And that this Order be inserted in the publick Prints three weeks successively. [Passed February 5.

House Journal, p. 148.  
*Ante*, p. 422, chap. 35.

## CHAPTER 177.

ORDER IMPOWERING THE INHABITANTS OF THE TOWN OF BRIDGWATER TO CHOOSE A COLLECTOR OF TAXES.

A PETITION of Josiah Edson & Ephraim Fobes Select Men of the Town of Bridgwater, shewing that one Jacob Allen served there as a Constable in the Years 1748 & 1749. that the Taxes were Committed to him to Collect, which he did in part & applied the Money to his own use, and therefore praying that the said Town may be impowered to chuse a Collector. And that the Arrearages of the said Assessments may be Committed to him to Collect.

Legislative Records of the Council, xix., 281. Mass. Archives, cxv., 823.

Mass. Archives, cxv., 822. House Journal, pp. 82, 142, 148.

Read and

*Ordered* that the Inhabitants of the Town of Bridgwater be and they hereby are Impowered at a Meeting called for that purpose to Choose a Collector in the room of Jacob Allen within mentioned to Collect the remaining part of the Province County Town and Precinct Rates that remain uncollected by the said Allen as He was Constable for the Years 1748 & 1749 And that the Collector so Chosen be directed and impowered to Collect the remaining part of said Taxes as fully as the said Allen was to all intents and purposes, and to pay in the same to the several Treasurys when due.

He first recieving Warrants from the Province Treasurer, and also from the Assessors of the Town and North Precinct in Bridgwater for the Collecting and Paying in the Taxes aforesaid which the said Treasurer and Assessors are hereby directed and impowered to Grant They having redelivered to them the Warrants originally granted to the said Jacob Allen. And that the Northerly Parish in Bridgwater shall pay their proportion towards hiring said Collector.

And that the said Jacob Allen be accountable for what Sums He has rec'd of said Taxes to the respective Treasurers. [Passed February 5.

## CHAPTER 178.

## ORDER ON THE PETITION OF KNIGHT LEVERETT AND ABIGAIL HIS WIFE IMPOWERING THEM TO APPEAL FROM A DECREE OF A COURT.

Legislative Records of the Council, xix., 275. Mass. Archives, xviii., 729.  
Mass. Archives, xviii., 729—731. Legislative Records of the Council, xix., 282. House Journal, p. 150. Province Laws, ii., 151, chap. 10.

A PETITION of Knight Leverett of Boston & Abigail his Wife shewing that the Petitioners appealed from a Sentence of Edward Hutchinson Esqr Judge of the Probate of Wills for the County of Suffolk, for allowing Capt Jonathan Clarkes Administration Ac-compt of the Estate of Mr John Gutteridge dec'd the Petitioners Uncle, and gave Bond to prosecute their Appeal, but thro' Forgetfulness lapsed the Time for filing their Reasons of Appeal, where-upon, (the Six Months by Law allowed to prosecute an Appeal not being expired) they Claimed their Appeal anew, which was allowed by the Judge, but dismiss'd by the Governour & Council Therefore praying the Authority of this Court for their prosecuting an Appeal from the Sentence of the Judge of Probate abovementioned

Read, together with the Answer of Capt<sup>n</sup> Jon<sup>a</sup> Clark, Administrator of the Estate of the Intestate withinnamed, and the Matter being fully considered,

*Ordered* That the Prayer of the Petition be So far granted as that the Pet<sup>r</sup>s be and hereby are allow'd to appeal from the Decree within mentioned; Provided they claim the Same within thirty Days from this time, and after that observe the Directions of the Law made in the Sixth Year of his late Majy King George the first intitled an Act for the regulation of the Decrees and other Proceedings of the Several Judges of Probate in the respective Counties of this Province and of appeals therefrom; and the Judge of Probate for the County of Suffolk is also impowered and directed to admit of the Said Appeal, in case it be claim'd within the time beforementioned. [Passed February 5.<sup>1</sup>

## CHAPTER 179.

ORDER IMPOWERING THE PROPRIETORS OF THE NARRAGANST TOWNSHIP N<sup>o</sup> ONE TO REMOVE A FORT.

Legislative Records of the Council, xix., 282. Mass. Archives, cxv., 802.

Mass. Archives, cxv., 801. House Journal, pp. 119, 142.

A PETITION of Major John Fowle & others Agents for Narragansett Township Number one, setting forth that the Fortification built by this Court for the Protection of the Inhabitants there, happens by the Want of Water near said Place (which the said Inhabitants have endeavoured to obtain by Digging) to be useless to them, and therefore praying that this Court would grant them Liberty to remove it to a more suitable Place.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be so far granted as that the Prop<sup>r</sup>s be and hereby are allowed to remove the Works within mentioned at their own Cost to some more convenient place in said Township, where it may least Incommode the said Proprietors. [Passed February 5.<sup>2</sup>

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is February 6.

<sup>2</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is February 6.

## CHAPTER 180.

ORDER CONFIRMING THE PROCEEDINGS AT TOWN MEETINGS OF ROWLEY FIRST PARISH IN REGARD TO TAXES.

A PETITION of John Hobson Esq<sup>r</sup> in behalf of the first Parish in Rowley, shewing that there was some defect in their Town Meetings held in Novemb<sup>r</sup> 1747, [Decem<sup>r</sup> 1748;]<sup>1</sup> & Decem<sup>r</sup> 1749, by means of which some Persons may refuse to pay their part of the Taxes, then laid on the Inhabitants, therefore praying that this Court would Confirm the Votes pass'd at said Meetings.

Legislative Records of the Council, xix., 236. Mass. Archives, xiii., 202.

Read and

*Ordered* that the Proceedings of said Parish at their Meetings herein mentioned be and hereby are Confirmed as good and valid, as if called by a Comm<sup>e</sup> of said Parish. And that the Parish Treasurer and Collectors be and they hereby are directed and empowered to recover and collect the Taxes and other dues that belong to said Parish, and to pay in and Account for the same, where it is due, and ought to be accounted for. [*Passed February 6.<sup>2</sup>*

Mass. Archives, xlii., 201. House Journal, p. 150.

## CHAPTER 181.

ORDER REFERRING THE PETITION OF HENDRICK QUEQUALS IN REGARD TO CLAIM ON LAND IN HARDWICK.

A PETITION of Hendrick Kekaqnans of Stockbridge Indian, shewing that the Lands now called the Town of Hardwick belongs to him by right of Inheritance, w<sup>ch</sup> he never sold to any Person, tho' he has claimed it divers Times, & was told by Coll<sup>o</sup> Stoddard, when the English were settling there, that he should be allowed for the native Right, Therefore praying that this Court would order Payment for the Same,<sup>3</sup>

Legislative Records of the Council, xix., 246. Mass. Archives, xxxii., 70.

[Read &]

*Ordered* that the Consideration of this Petition be refer'd to the first Fryday of the next Sitting of the Gen<sup>l</sup> Court. [*Passed February 7.*

Mass. Archives, xxxii., 68. Legislative Records of the Council, xix., 276, 286. House Journal, pp. 94, 96, 98, 143, 156.

## CHAPTER 182.

ORDER ALLOWING £40 AND £25. 18, ALSO A FURTHER SUM OF £17. 8 TO ROBT BALL.

A PETITION of Robert Ball Keeper of the Light House praying for the Allowance of his Salary for the Year past, as also that he may be repaid the Money he has advanced for Fire Wood the last & this present Year.

Legislative Records of the Council, xix., 279. Mass. Archives, lxiv., 420.

Read and

*Ordered* that the Pet<sup>r</sup> be allowed out of the publick Treasury the Sum of forty pounds in full for his Service the last Year from Nov<sup>r</sup> 8. 1749 to Nov<sup>r</sup> 8. 1750.

Mass. Archives, lxiv., 418. House Journal, pp. 121, 138, 144.

<sup>1</sup> Inserted from State Library copy, Legislative Records of the Council, xix., 300.

<sup>2</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is February 7.

<sup>3</sup> This petition was entered October 10, 1750, under the name of Hendrick Kekquonau (House Journal, pp. 94, 98). The name also appears as Henrick Queequal (House Journal, p. 143), and with other slight variations.

Also the Sum of twenty five pounds Eighteen Shillings expended by him for fire wood the last Year

As also the Sum of Seventeen pounds Eight Shillings which Sum, He has advanced for firewood the present Year. [*Passed February 7.*<sup>1</sup>

## CHAPTER 183.

### ORDER ALLOWING £750 TO THE JUDGES.

Legislative Records of the Council, xix., 283. Mass. Archives, xlivi., 401.  
House Journal, p. 151.

*Ordered*, That the Sum of Seven hundred & fifty pounds be allowed to be paid out of the publick Treasury to the honourable the Justices of his Majestys Superiour Court of Judicature, Court of Assize and General Goal Delivery, for their Service for one Year, ending the first of January last. [*Passed February 7.*

## CHAPTER 184.

### ORDER ALLOWING £22 TO THE SECRETARY.

Legislative Records of the Council, xix., 283.  
House Journal, p. 151.  
*Infra*, chap. 185.

*Ordered* that the Sum of Twenty two Pounds be granted & allowed to be paid out of the publick Treasury to Josiah Willard Esq<sup>r</sup> Secretary of this Province in full for his Service for one Year, ending the third of December last. [*Passed February 7.*

## CHAPTER 185.

### ORDER ALLOWING £100 TO THE SECRY.

Legislative Records of the Council, xix., 283.  
House Journal, p. 151.  
*Supra*, chap. 184.

*Ordered* that the Sum of one hundred Pounds be granted & allowed to be paid out of the publick Treasury to Josiah Willard Esq<sup>r</sup> Secretary &c. in Consideration of his Extraordinary Services, to the third of December last. [*Passed February 7.*

## CHAPTER 186.

### ORDER ALLOWING £250 TO THE PREST OF HARVARD COLLEGE.

Legislative Records of the Council, xix., 283. Mass. Archives, lviii., 364.  
House Journal, p. 151.

*Ordered*, That the Sum of two Hundred & Fifty pounds be granted and allowed to be paid out of the publick Treasury to the Reverend Edward Holyoke, President of Harvard-College over and above the Rents of the Massachusetts Hall, for one Year, ending the tenth of September next, to be paid Quarterly. [*Passed February 7.*

<sup>1</sup> The date of final action in the Council is given in Mass. Archives as January 7, but as it passed the House January 31 the date is evidently intended for February 7; according to Legislative Records of the Council the date is February 1.

## CHAPTER 187.

ORDER ALLOWING £85. 6. 8 TO THE TREAS<sup>R</sup>.

*Ordered* that the Sum of eighty five Pounds, six Shillings & eight pence be granted & allowed to be paid out of the publiek Treasury to William Foye Esq<sup>r</sup> Treasurer & Receiver General of his Majesties Revenues of this Province for one Year ending the second day of January last. [Passed February 7.]

Legislative Records of the Council, xix., 283.  
House Journal, p. 151.  
*Infra*, chap. 188.

## CHAPTER 188.

ORDER ALLOWING £101. 6. 8 TO THE TREASURER.

*Ordered* that the Sum of One hundred & one Pounds six shillings & eight pence be granted & allowed to be paid out of the publiek Treasury to William Foye Esq<sup>r</sup> Treasurer &c in Consideration of his extraordinary Services &c. [Passed February 7.]

Legislative Records of the Council, xix., 283.  
House Journal, p. 151.  
*Supra*, chap. 187.

## CHAPTER 189.

ORDER ALLOWING 1/ 4 PER DIEM TO THE SPEAKER.

*Ordered* that there be granted & allowed to be paid out of the publiek Treasury the Sum of one shilling & four pence *p* diem, to the Hon<sup>ble</sup> Thomas Hubbard Esq<sup>r</sup> Speaker of the House for every day of his Attendance in the General Court from the opening of the Sessions on the 31<sup>st</sup> of May 1750, over & above his Pay as a Member of the House. [Passed February 7.]

Legislative Records of the Council, xix., 284.  
House Journal, p. 151.

## CHAPTER 190.

ORDER ALLOWING £100 TO THE CLERK OF THE HOUSE.

*Ordered* that there be granted & allowed to be paid out of the publiek Treasury to Rowland Cotton Esq<sup>r</sup> Clerk of the House, the Sum of One hundred Pounds for his Service in that trust for the present Year. [Passed February 7.]

Legislative Records of the Council, xix., 284.  
House Journal, p. 151.

## CHAPTER 191.

ORDER ALLOWING £100 TO DR WIGGLESWORTH.

*Ordered*, That there be granted and allowed to be paid out of the Publiek Treasury to the Reverend Dr Edward Wiggleworth, Hollisian Professor of Divinity, at Harvard-College in Cambridge, the

Legislative Records of the Council, xix., 284. Mass.

Archives,  
lviii., 363.  
House Jour-  
nal, p. 152.

Sum of ONE hundred pounds as a Gratuity, in Consideration of his faithful Discharge of that great and important Trust reposed in him, and for his further Encouragement therein. [Passed February 7.]

## CHAPTER 192.

### ORDER ALLOWING £50 TO JNO WINTHROP, ESQ<sup>R</sup>.

Legislative  
Records of the  
Council, xix.,  
284. Mass.  
Archives,  
lviii., 363.  
House Jour-  
nal, p. 152.

*Ordered* that there be granted and allowed to be paid out of the publick Treasury to John Winthrop Esqr Hollissian Professor of Mathemeticks at Harvard College in Cambridge the Sum of fifty pounds as a Gratuity in Consideration of his faithful Discharge of that Trust reposed in him, and for His further Encouragement therein. [Passed February 7.]

## CHAPTER 193.

### ORDER ALLOWING £11 TO THE CHAPLANS OF THE COURT.

Legislative  
Records of the  
Council, xix.,  
284. Mass.  
Archives,  
xiii., 234.  
House Jour-  
nal, p. 152.

*Ordered*, that there be allowed and paid out of the Publick Treasury the Sum of Eleven pounds, one half to the Reverend Chaplain of the honourable Board the present Year, the other half to the Reverend Ellis Gray the Chaplain of the house for their respective Services the present Year. [Passed February 7.]

## CHAPTER 194.

### ORDER ALLOWING £100 TO THE DOORKEEPER.

Legislative  
Records of the  
Council, xix.,  
284. Mass.  
Archives,  
xlix., 304.  
House Jour-  
nal, p. 152.

*Ordered*, that there be allowed and paid out of the Publick Treasury the Sum of One Hundred pounds to M<sup>r</sup> William Baker, Doorkeeper to his Excellency the Goverour and this Court, in full for his Service for One Year. [Passed February 7.]

## CHAPTER 195.

### ORDER ALLOWING £106 TO THE COMIS<sup>Y</sup> GENERAL.

Legislative  
Records of the  
Council, xix.,  
284.  
House Jour-  
nal, p. 152.

*Ordered* that there be granted & allowed to be paid out of the publick Treasury the Sum of One hundred & six Pounds to John Wheelwright<sup>[t]</sup> Commissary General &c for his extraordinary Services the Year past. [Passed February 7.]

## CHAPTER 196.

## ORDER ALLOWING £60 TO THE CHAPLAIN OF THE CASTLE.

Legislative  
Records of the  
Council, xix.,  
284. Mass.  
Archives,  
xlix., 303.

*Ordered* that there be granted & allowed to be paid out of the publick Treasury the Sum of Sixty pounds to M<sup>r</sup> John Phillips Chaplain of His Majes Castle W<sup>m</sup> as a Gratuity for his Service in that Trust for three Years past including the present Year. [Passed February 7.

House Jour-  
nal, p. 152.

## CHAPTER 197.

## ORDER ALLOWING £54 ADDITIONAL TO THE COMISSY GENERAL.

Legislative  
Records of the  
Council, xix.,  
284.

*Ordered* that there be granted & allowed to be paid out of the publick Treasury the Sum of Fifty Four Pounds to John Wheelwright Esq<sup>r</sup> Commissary General for his extraordinary Services &c. the Year past. [Passed February 7.

House Jour-  
nal, p. 152.  
*Supra*, chap.  
195.

## CHAPTER 198.

## ORDER INCREASING THE GARRISON OF THE FORT AT ST GEORGES RIVER.

A PETITION of Capt. Jabez Bradbury Commander of the Fort at St Georges River, setting forth the Danger the said Fort will be in, in the Spring & Summer ensuing, by reason of the Weakness of the Garrison, & praying that this Court would provide for the enlargement of said Garrison.

Legislative  
Records of the  
Council, xix.,  
285. Mass.  
Archives,  
lxixiii., 757.

Read and

*Ordered* that there be an Addition of four effective Men upon the Usual Establishment for the Protection of the within mentioned Fort And that His Hon<sup>r</sup> the Lieut<sup>t</sup> Gov<sup>r</sup> be desired to give his Orders accordingly. [Passed February 7.

Mass.  
Archives,  
lxixiii., 756.  
House Jour-  
nal, pp. 139, 153.  
*Ante*, p. 423,  
chap. 39.

## CHAPTER 199.

## ORDER IMPOWERING THE PROVINCE TREASURER TO PAY CAPT EPH. WILLIAMS THE AMOUNT OF HIS SOLDIERS WARRANTS.

A PETITION of Capt Ephraim Williams of Fort Massachusetts, setting forth that divers of his Soldiers have agreed with the Comm<sup>tee</sup> of this Court, appointed to grant out Lots in the New Township at Hoosuck for Lots there & depend on their Wages for Payment of the Charges thereon, and for as much as his Muster Roll is made up & pass'd for payment, and there is no Money in the Treasury for paying the Same, praying that the Comm<sup>tee</sup> may be directed to take the said Soldiers Orders on the Treasurer & pay the Sums due-thereon.

Legislative  
Records of the  
Council, xix.,  
285. Mass.  
Archives,  
lxixiii., 762.

Mass.  
Archives,  
lxixiii., 761.  
House Jour-  
nal, pp. 149, 154.  
*Ante*, p. 379,  
chap. 297.

Read and

*Ordered* that the Comm<sup>ee</sup> for admitting Settlers in the West New Township at Hoosuck be and they hereby are directed and impowered out of the Moneys which they shall receive from the said Settlers to pay the within named Williams the money due on said Warrants. He delivering the Warrants to the said Committee with proper Orders on the Treasurer to discount the Same with them. And the said Committee are also allowed to Admit as many of the Soldiers at Fort Massachusetts as Settlers, as they shall Judge proper. [Passed February 7.]

## CHAPTER 200.

### RESOLVE DEFINING THE POWERS OF THE COLLECTOR OF THE SALARY OF REV<sup>D</sup> M<sup>R</sup> ROGERS.

Legislative Records of the Council, xix., 297. Mass. Archives, xiii., 165.

House Journal, p. 159.  
Ante, p. 425,  
chap. 42.

WHEREAS this Court on the 22<sup>d</sup> of June last, in answer to the Petition of the Rev<sup>d</sup> Mr John Rogers of Boxford, pass'd an order impowering & directing Mr Benjamin Porter of said Town to collect the Sum Total of an assessment which by the Court of General Sessions of the Peace for the County of Essex, was (on the fifteenth of November 1748,) order'd to be made on the first Parish in said Town, for the use of the Petitioner; and whereas a Doubt has arisen (with relation to the extent of the Power thereby given to the said Benjamin Porter) whether he be thereby authorized, in any case, to seize the Body or Bodies of such assessed Person or Persons as refuse or neglect to make Payment, & him or them to commit to Goal, there to remain until Payment shall be made

WHEREFORE,

*Resolved*, that the Power given to the said Benjamin Porter by the Order aforesaid, was intended to extend to and include a Power (without further or other Warrant) of apprehending & committing to Goal, such Person and Persons (assess'd as aforesaid) who should refuse or neglect to pay the Sum or Summs assess'd on them respectively (in case no Goods or Chattels be found, whereon to make Distress;) as fully to all Intents & Purposes as any Constables (by force of any Warrant) are by Law vested withal; and that the said Order shall be pursued & put in Execution accordingly. [Passed February 8.]<sup>1</sup>

## CHAPTER 201.

### VOTE ABT THE ASESSMTS IN SALEM IN THE YEAR 1749.

Legislative Records of the Council, xix., 286.

Mass. Archives, cxv., 602-604. House Journal, pp. 85, 134, 156, 157.  
Ante, p. 422,  
chap. 36; p. 432,  
chap. 61.

IT APPEARING that the Assessors of the Town of Salem in making their Assessments for the Year 1749, estimated the Capital Stock any Person had in Trade, Money at Interest and the lawfull Interest of such Money, and Real Estates what they might be sold or or<sup>2</sup> lett for at Six Years Income & the Yearly produce of such Real Estates, & from a Misapprehension of the Law for making Assessments, and contrary to the Practice of other Towns, raised the Taxes laid on said Town accordingly upon all of them, whereby great inequality arises to many Persons in said Town, wherefore

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is February 16.

<sup>2</sup> Sic.

*Resolved* that the said Assessments be and hereby are declared, unlawful void, & of none Effect, & the Constables to whom the Warrants have been given for collecting the Same are hereby forbidden to proceed any further in Collecting said Assessments; And they are hereby required forthwith to pay into the Treasurer of said Town of Salem, all such Moneys as they have received in Consequence of such Warrants, whether of Province, Town or County Taxes, and to deliver up to the Treasurer their respective Lists with Credit to each mans Name of what he has paid

*Resolved* further and it is hereby

*Ordered* that the surviving Assessors of said Town for 1749, or the major part of them, be & hereby are impowered & directed to assess the then Inhabitants & Estates of said Town anew, for all Taxes lawfully sett on them for that Year, by the valuation List, then taken, except where any Alteration happened in any Persons Estate between the Time of giving in the Valuation, and the time when the Taxes were made in 1749 and that in making the said Assessments they proceed according to the following Rules & Directions, as agreeable to Law, viz<sup>t</sup> that they assess the Polls according to the Tax Act in 1749, and estimate Houses & Lands & other real Estate at Six Years Income, which they may be reasonably set or let for in the Places where they ly, which only is to be assessed and not the Yearly produce thereof And all Stock of Creatures agreeable to said Act, also the Interest of Money let and not the Principal.

And in as much as the Parties in said Town contending about said Taxes, at a Meeting of said Town on the fourth Instant, Agreed & Desired that this Court would enforce their Agreement viz. that one fifth Part only of all Proffits by Commissions or otherwise, where there is no Stock should be assessed, And that trading Stock, Shipping or other rateable Personal Estate (excepting Money at Interest) should be likewise Assess'd for one fifth Part of the true Value thereof, without accounting the Income or Proffits of the Same It is

*Resolved* likewise that the Assessors being first Sworne, be and they hereby are impowered & directed to conform to said Agreement in making said Assessment anew as aforesaid And the said Assessors are further impowered & directed forthwith to make & Commit perfect Lists of such Assessments to the surviving Constables or Collectors of said Town for 1749, together with John Young jun<sup>r</sup> a Constable of said Town the present Year, being first Sworne, with Warrants to Collect the Same, as they were impowered by Law in 1749, & to make such return to the Province Treasurer as is required in his Warrant for the same Year, and also make return to the County & Town Treasurers, and the Constables aforesaid are alike required & impowered to receive said Lists & collect said Taxes & account for them agreeable to Law And the Province Treasurer is hereby required to send new Warrants to the Constables aforesaid to collect & pay the Province Tax into the Treasury on or before the last Day of March next, and that the Assessments for Town & County Charges be paid into the respective Treasuries by the same Time, And if any Person or Persons shall have paid the whole of his or their Tax, by Means of the former Assessment, It shall be discounted, and if more it shall be paid out of the Town Treasury, And that the Assessors & Collectors aforesaid be & hereby are Subjected to the Same Penalties for neglect in assessing or collecting respectivly as they would have been for neglect that Year,

And the late resolve of this Court, respecting the Taxes of said Town in 1749, is hereby declared to be of no further effect. [Passed February 8.]

## CHAPTER 202.

### ORDER ALLOWING £8 TO GEO. COMBS.

Legislative Records of the Council, xix., 28s. Mass. Archives, lxxxvii., 66. House Journal, p. 156.

A PETITION of George Combs in the County of York, shewing that on the 24<sup>th</sup> of June last his dwelling House was burnt down & therein was consumed Sixty Pounds Value in Bills of this Province of the Old Tenor, belonging to the Petitioner, praying that he may be reimbursed that Sum, by Order of this Court upon the Province Treas<sup>r</sup>

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted And that there be paid out of the Publick Treasury to Jabez Fox Esq<sup>r</sup> Eight pounds for the Use of the Petitioner accordingly. [Passed February 8.]

## CHAPTER 203.

### VOTE APPOINTING A COMMITTEE ON THE AFFAIR OF THE IND<sup>S</sup> OF THE SIX NAT<sup>S</sup> SETTLING IN THIS PROVINCE.

Legislative Records of the Council, xix., 28s. Mass. Archives, xxiii., 100. House Journal, pp. 139, 152, 153.

In the house of Representatives

Whereas a Considerable Number of the Indians of the Six Nations are now at Stockbridge and are come with an Intent to Settle within this Province,

In Order therefore to Encourage so good a Design.

*Voted* that Josiah Dwight Esq<sup>r</sup> and Cap<sup>t</sup> John Ashley with such as the Honourable Board shall appoint, be a Committee to treat with said Indians and be accountable to this Court for their proceedings therein, and to this End that there be granted and paid out of the Treasury to them the Sum of One hundred & twenty five pounds to be laid out, for the support & encouragement, of such Indians as are now there, or shall here after join them, in the Course of a Year, at the discretion of the said Committee. And be given them as a mark of Friendship from this Government on their first coming to Settle among us.

That the Committee aforesaid be directed to Conferr with said Indians about their settling among the English and of some proper place that shall best accomodate them

That in Case they should pitch upon any part of the unappropriated Lands of the Province said Committee be directed and Impowered to Survey a Tract of Land of the Contents of Four Miles square and return a platt thereof to this Court as soon as may be.

That in Case they should preferr the Lands Commonly called the Hop Lands, in the Township of Sheffield N East Of Stockbridge said Committee be impowered to Conferr with the Owners thereof by proposing to give in Exchange therefor, some of the unappropriated Lands of the Province.

That Whatever Land shall be finally determin'd on by this Court for the use aforesaid, said Committee in the Survey thereof make a

reserve of one hundred acres for the use of the Missionary and two hundred acres more for the use of the School.

That in Case the Indians of the six Nations who are already come to Stockbridge or any others that may hereafter come, will go, dwell upon, and Improve the Lands that may be finally determin'd on, by this Court for them, for ten Years, that at the Expiration thereof the said Lands be Confirmed to them and to their heirs forever Provided the same do not exceed one hundred acres to each Family, & that it shall not be hereafter alienated to any English person without the approbation of the General Court, and in case the whole Quantity laid out shall be more than sufficient to accomodate the Indians as aforesaid, the remainder shall lie to be disposed of as the General Court shall hereafter order.

That as a further Encouragement there be granted and paid to the Commissioners of the Corporation in London for propagating the Gospel in New England and parts adjacent the Sum of Two hundred pounds to enable them to build a Meeting house and School house for the use of said Indians, on Condition that said Commissioners will apply a suitable and sufficient part of the Stock they have in their hands for the maintainance of a Missionary and some suitable person as Schoolmaster and will send them among them, to Instruct them in Reading and Writing & in the Principles of the Christian Religion.

And Finally these things being accomplish'd, That the whole affair be subjeeted to the Care of the Commissioners aforesaid; they to render an account of their proceedings herein to this Court annally.

In Council Read & Concurred & Joseph Pynchon Esq<sup>r</sup> is joined with the Committee of the House on the Affairs above mentioned.  
[Passed February 8.]

## CHAPTER 204.

### ORDER GRANTING TO EBEN. BOWMAN LICENSE TO KEEP A TAVERN.

A PETITION of Ebenezer Bowman, shewing that he has lately purchased a House in the second Precinct in Cambridge, where James Cutler lately dwelt, which has for many Years been used for a Tavern, that the Petitioner is approved of by the Select men of Cambridge for that Bussiness, and therefore praying that this Court would impower the Court of General Sessions of the Peace for the County of Middlesex at their next term to grant him a Licence.

Legislative  
Records of the  
Council, xix.,  
289.

House Jour-  
nal, p. 155.

Read (together with Certificates of the Approbations of the Select Men of Cambridge & Lexington) &

Ordered that the Justices of the General Sessions of the Peace for the County of Middlesex be allowed & impowered to grant the Petitioner a Licence till July next, the time for granting Licences being elapsed notwithstanding. [Passed February 8.]

## CHAPTER 205.

## ORDER IMPOWERING ELISA. WEDGES, INDIAN, TO SELL LAND.

Legislative  
Records of the  
Council, xix.,  
289. Mass.  
Archives,  
xxxii., 67.

Mass.  
Archives,  
xxvii., 66.  
Legislative  
Records of the  
Council, xviii.,  
43. House  
Journal, p. 156.

A PETITION of Elisabeth Wedges<sup>1</sup> of Natick, Indian, praying for Liberty to sell four Acres of Land in Natick to discharge Expences in Doctors &c occasioned by breaking her Leg (with the Approbation of the Indian Guradians<sup>2</sup> under their Hands)

Read and

*Ordered* that the Guardians of the Natick Indians be, and they hereby are Allowed & Impowered to make sale of the Land within mentioned for the Most the same will sell for, They Applying the produce thereof Agreeable to the prayer of the Within Petition.

[Passed February 8.]

## CHAPTER 206.

## ORDER ALLOWING £10 TO KEZIAH BAILEY.

Legislative  
Records of the  
Council, xix.,  
302. Mass.  
Archives,  
lxixiii., 751.

Mass.  
Archives,  
lxxiii., 750.  
House Jour-  
nal, pp. 131, 159.  
*Ante*, p. 388,  
chap. 311.

A PETITION of Keziah Bailey, Widow of Capt Israel Bailey late of Bridgewater dec'd, shewing that her Husband in his Life time had represented to this Court his Sufferings by Reason of Sickness contracted while he was in the Service of the Province, in the Expedition against Cape Breton & the Court were pleased to grant him £20 in Bills of the Old Tenor, which by reason of her Husband's Death Soon after, is not yet drawn out of the Treasury, and for as much as he has left a Number of helpless Children, and died of a Sickness gotten by his hard Service therefore praying for a further Allowance.

Read and

*Ordered* that there be granted and allowed out of the publick Treasury to the Pet<sup>r</sup> for the relief of her Self and her Children, the Sum of ten pounds (including the Two pounds thirteen Shillings and four pence heretofore granted to the within named Israel Bayley Dec'd but not yet recieved). Provided the said Keziah the Pet<sup>r</sup> give proper Caution to the Judge of Probate for the County of Plymouth. That she duly distributes the Same. [Passed February 8.<sup>3</sup>]

## CHAPTER 207.

ORDER APPOINTING A COMMITTEE FOR EFFECTING REPAIRS AT THE PROV<sup>CE</sup> HOUSE.

Legislative  
Records of the  
Council, xix.,  
290. Mass.  
Archives,  
xlix., 306.

House Jour-  
nal, pp. 150, 160.

In the House of Rep<sup>ves</sup>

It appearing that the Roof of the Province House is so defective as that it is absolutely necessary to have a new one.

Also that the Front Gate and Fence is so far decayed as not to admit of repair: and that the Back Garden Fence and the Fence about the Stables want considerable repairs; besides several other more minute Articles in and about the House. Therefore

<sup>1</sup> The House Journal, p. 156, reads, "Hedges."

<sup>2</sup> *Sic.*

<sup>3</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is February 21.

*Ordered* that M<sup>r</sup> Speaker and M<sup>r</sup> Allen with such as the Hon<sup>ble</sup> Board shall appoint be a Comm<sup>ee</sup> to Cause said Repairs (and any other matters necessary) to be effected in the cheapest and best manner as soon as may be

In Council Read & Concord & Jacob Wendell Esq<sup>r</sup> is joined in the Affair. [Passed February 9.]

## CHAPTER 208.

### ORDER ALLOWING £30 TO RICH<sup>D</sup> SALTONSTALL & STEPH SEWL, ESQ<sup>RS</sup>.

A MEMORIAL of Richard Salstonsall & Stephen Sewall Esq<sup>s</sup> two of the Justices of the Court of Asize &c praying for an Allowance for their extraordinary Service in attending a special Court of Asize at York, the last Winter for trying Prisoners committed for killing an Indian at Wiscasset

Legislative Records of the Council, xix., 290. Mass. Archives, xliii., 400.

Read and

*Ordered* that the Sum of thirty pounds be granted and paid out of the publick Treasury to the Memorialists in equal proportion, in consideration of their Service within mentioned. [Passed February 9.]

Mass. Archives, xliii., 399.

House Journal, pp. 155, 161. Ante, p. 330, chap. 165.

## CHAPTER 209.

### ORDER ALLOWING £44 TO LIEUT JN<sup>O</sup> LARABEE.

A PETITION of Lieut John Larrabee setting forth his Extraordinary Expence & Trouble, particularly advancing his own Money for victualling the Garrison at Castle William, praying for some Allowance out of the publick Treasury for an Allowance for the Same

Legislative Records of the Council, xix., 290. Mass. Archives, ixiii., 760.

Read and

*Ordered* that the Sum of forty four pounds be allowed and paid out of the publick Treasury to the within named Memorialist as a Gratuity in consideration of his great care in faithfully discharging the Trust reposed in him; and of his large advances of Money for the Supply of the Garrison. [Passed February 9.]

Mass. Archives, ixiii., 759.

House Journal, pp. 156, 161.

## CHAPTER 210.

### ORDER WITH STAY OF PROCEEDINGS APPOINTING A COMMITTEE ON THE PETITION OF THE TOWN OF EASTON IN REGARD TO A MEETING HOUSE.

THE COMMITTEE to whom was referred the Petition of the Town of Easton haveing heard the Parties and fully Considered the Same. Report as their Opinion: That a Committee of this Court be Sent to the Town of Easton to View their Circumstances Hear the Parties concerned And ConSider what may be proper for this Court to do Relateing to the fixing a place to Ereet a meeting house on for the publick Worship of God in S<sup>d</sup> Town And Make report At the next

Mass. Archives, xiii., 226.

House Journal, pp. 160, 164. Ante, p. 468, chap. 146.

Session of this Court And All proceedings as to Building a meeting house in Said Town to be Stayed in the Mean time

The Charge of the Committee to be born as this Court Shall Order. by order of y<sup>e</sup> Committee

JOHN HILL

In Council Read and

*Ordered* That this Report be and hereby is accepted and That James Minot Esq<sup>r</sup> with Such as the Hon<sup>ble</sup> House Shall join, be a Comm<sup>ee</sup> for the Purpose within mention'd,

In the House of Rep<sup>ives</sup>

Read and Concurred and Cap<sup>t</sup> White and Col<sup>o</sup> Clap are Joyned in the Affair. [Passed February 12.]

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## CHAPTER 211.

VOTE DIRECTING THE TREASURER TO REMIT £500 TO M<sup>r</sup> AGENT BOLLAN.

Legislative Records of the Council, xix., 292.  
House Journal, pp. 163, 165.

*Voted* that the Treasurer be directed, in the best Manner he can to transmit to M<sup>r</sup> Agent Bollan the sum of Five hundred Pounds Sterling, in order to enable him to manage the publick Affairs of the Province at the Court of Great Britain. [Passed February 12.]

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## CHAPTER 212.

VOTE APPOINTING MANAGERS OF THE GOVERNMENT LOTTERY.

Legislative Records of the Council, xix., 292. Mass. Archives, lxxxviii., 8.  
Mass. Archives, lxxxviii., 9.  
House Journal, p. 165.  
Province Laws, iii., 539, chap. 15.

THE FOLLOWING PERSONS were this day chosen by the major Vote of the Council & House of Rep<sup>ives</sup> to be Managers or Directors for preparing & delivering out Tickets & to oversee the Drawing of Lotts in the Lottery & to order & do such other Matters & things as are directed & appointed by the Act for Supplying the Treasury with the Sum of twenty six thousand seven hundred mill'd Dollars, viz<sup>t</sup>

Samuel Watts Esq <sup>r</sup>	Joseph Richards Esq <sup>r</sup>
Tho <sup>s</sup> Hutchinson Esq <sup>r</sup> <sup>1</sup>	M <sup>r</sup> James Russell

M<sup>r</sup> Harrison Gray

[Passed February 12.]

<sup>1</sup> "At a Council held at the Council Chamber in Boston upon Thursday the 14<sup>th</sup> of February, 1750.

Whereas Thomas Hutchinson Esq<sup>r</sup> was chosen a Director or Manager of the Government's Lottery & approved of by the Lieut<sup>t</sup> Goverour, but has since declined to take that Trust upon him. And whereas in such Case the Power of appointing another Director or Manager is devolved upon the Lieut<sup>t</sup> Goverour & Council,

*Ordered* that John Quiney Esq<sup>r</sup> be and hereby is appointed a Manager or Director of said Lottery in the room of said Thomas Hutchinson Esq<sup>r</sup>

S PHIPS." — Mass. Archives, lxxxviii., 9.

## CHAPTER 213.

ORDER DIRECTING THE SELECTION OF A JURY IN MIDDLESEX COUNTY TO TRY THE CAUSE IN BRISTOL COUNTY REFERRED TO IN THE PETITION OF GOV. BELCHER.

ON THE PETITION of His Excellency Governor Belcher, [*ante*, p. 402, chap. 353]

Read together with the Answer of Sylvester Richmond Esq<sup>r</sup> & the Matter being considered,

*Ordered* that [the Cl]erk of the Superior Court of Judicature, Court of Assize and General Goal Delivery at the Time of sending forth Venires to the several Towns in the County of Bristol for the next Superior Court in said County, be directed and impowered also to send Venires to the Towns in the County of Middlesex, requiring them to appoint a sufficient Number of Jury men to attend the s<sup>d</sup> Court, for the Trial of the Cause refer'd to in said Petition, at the next Session of said Court at Taunton in & for s<sup>d</sup> County of Bristol, & that the Towns be required to appoint, & the Jury men [to attend under the Same Penalties as]<sup>1</sup> in ordinary Cases, And in Case of Challenge or Failure otherwise, that the Number wanting be Supplied out of the other Inhabitants of said County of Middlesex: And the Trial of the aforesaid Cause, & all Proceedings consequent on such Trial, shall be deemed & held as valid to all Intents & Purposes, as if the Jurors in said Cause had been Inhabitants of the County where the Lands ly: And the Justices of said Court are hereby impowered in taxing the Bill of Cost to make such Allowance to the aforesaid Jurors in proportion to their extraordinary Travel, as the Justices shall think reasonable. [Passed February 13.

Legislative Records of the Council, xix., 293. Mass. Archives, xlvi., 218.

House Journal, p. 167. Ante, p. 445, chap. 91.

## CHAPTER 214.

ORDER IMPOWERING JOS. & LYDIA RUSSELL, ADMINISTRATRIX, TO SELL LAND.

ON THE PETITION of Joseph & Lydia Russell, [*ante*, p. 449, chap. 103]

Read &

*Ordered* that the Prayer of the Petition be so far granted as that the said Joseph & Lydia Russell, in her said Capacity be, and they hereby are authoriz'd & impowered to make Sale of so much of the real Estate of the said Nath<sup>l</sup> Gerrish dec<sup>d</sup> as shall be least prejudicial to said Estate & as shall be sufficient to discharge the Accompts mentioned in the Petition, together with the Charges that may arise in & about the Sale, and they are enabled to give a Good & sufficient Deed or Deeds in the Law for the Same, and in proceeding thereon to observe the directions of the Act of this Province of the sixth Year of the Reign of King George the first relating to the Sale of real Estates, the said Administ<sup>x</sup> to be accountable to the Judge of Probate for the County of York for any Overplus that may be concerning the same. [Passed February 13.

Legislative Records of the Council, xix., 293.

Mass. Archives, xviii., 742. House Journal, pp. 144, 166. Province Laws, ii., 151, chap. 10. Ante, p. 449, chap. 103.

<sup>1</sup> MS. mutilated. Inserted from Legislative Records of the Council, xix., 293.

## CHAPTER 215.

ORDER ALLOWING £20 ADDITIONAL TO JOS<sup>H</sup> WILLARD.

Legislative Records of the Council, xix., 293. Mass. Archives, xlix., 313.

Mass. Archives, xlix., 311. House Journal, p. 167. *Ante*, p. 482, chaps. 184, 185.

A MEMORIAL of Josiah Willard Esq<sup>r</sup> Secretary of this Province, setting forth the insufficiency of the Profits of his Office for the Support of himself & Family, and praying for an additional Allowance.

Read and

*Ordered* that there be granted and allowed to be paid out of the publick Treasury to the Memorialist Josiah Willard Esq<sup>r</sup> the Sum of twenty pounds in addition to the Grant made him the fifth Curr<sup>t</sup> in consideration of his Extraordinary Services &c. [Passed February 13.

## CHAPTER 216.

## ORDER FORBIDDING THE TREASURER TO PAY OUT BASE MONEY.

Legislative Records of the Council, xix., 294. Mass. Archives, xii., 559.

House Journal, p. 168.

IT APPEARING that some Peices of Silver called Pisterines, & also larger & smaller Peices of the same Stamp with Pisterines being of a baser Allay<sup>1</sup> than Dollars have been paid out of the Treasury in Exchange for the Province Bills; and it being probable that there may still remain a Mixture of such base Pieces in the Silver that is now in the Treasury, It is therefore

*Ordered* that the Treasurer shall not pay out any such base Peices in any Paym<sup>ts</sup> whatsoever; but whensoever he shall meet with any of the same shall retain them in the Treasury for the further Order & disposal of the Gen<sup>l</sup> Court. [Passed February 14.

## CHAPTER 217.

ORDER EXTENDING THE TIME FOR THE COMMISSIONERS OF INSOLVENCY TO RECEIVE THE CLAIMS OF THE CREDITORS OF THE ESTATE OF ROBERT GALTON DEC<sup>o</sup>.

Legislative Records of the Council, xix., 294. Mass. Archives, xviii., 688.

Mass. Archives, xviii., 687. House Journal, pp. 124, 126, 137, 138, 149, 158, 159, 160.

A PETITION of Elijah Collins Administ<sup>r</sup> of the Estate of Robert Galton dec<sup>d</sup> shewing that the Estate being represented Insolvent, Commissioners were appointed to examine the Claims of the Creditors, that their Time allowed by Law is now expired and yet divers of the Creditors have not given in their Claims, & therefore praying that the Commissioners Term may be lengthned out.

Read and in Answer hereto

*Ordered* that the Judge of Probate for the County of Suffolk be allowed and impowered to permitt the Commissioners within Mentioned to Sitt two Months from this time to recieve the Claims of the Creditors to the Estate of the withinnamed Robert Galton Dec'd. [Passed February 14.

<sup>1</sup> *Sic.*

## CHAPTER 218.

ORDER ALLOWING £4 TO SAM<sup>U</sup> WINTHROP.

A PETITION of Mr Samuel Winthrop one of the Clerks of the Superior Court of Judicature &c. praying for an Allowance from this Court for his Time & Trouble in attending the special Court at York, for trying the Persons charged with the Murther of an Indian at Wiscasset.

Read and

*Ordered* that there be granted and paid out of the publick Treasury the Sum of four pounds to the Pet<sup>r</sup> in consideration of the Service abovementioned. [Passed February 14.]

Legislative Records of the Council, xix., 295. Mass. Archives, xlvi., 305.

House Journal, pp. 163, 168. Ante, p. 330, chap. 165; p. 491, chap. 208.

## CHAPTER 219.

VOTE REFER<sup>G</sup> TO THE SILV<sup>R</sup> & COPPER BRO'T IN BY TAXES.

WHEREAS there is a considerable part of the Taxes paid into the Province Treasury in Silver and Copper, by means whereof those Bills that would have been brought in by way of Tax, will be brought unto the Committee app<sup>ttd</sup> for exchanging the Money &c Therefore

*Voted* that the Province Treasurer be and hereby is directed to pay out such Silver and Copper as is or may be brought into the Treasury by the several Constables or Collectors to Answer the Orders drawn by said Committee in the same Manner and within such time as is provided for by the several Acts of this Government for the redeeming the Bills of this Province. [Passed February 14.]

Legislative Records of the Council, xix., 294. Mass. Archives, cii., 558.

House Journal, p. 163. Province Laws, iii., 430, chap. 15; 480, chap. 8; 493, chap. 18; 554, chap. 24; Ante, p. 449, chap. 102.

## CHAPTER 220.

## ORDER IMPOWERING JOHN EPHRAIM, INDIAN, TO SELL LAND.

A PETITION of John Ephraim of Natick Indian, praying for Liberty from this Court to sell Twenty Acres of unimproved Land he owns in Natick for paying off Debts he has contracted by means of Sickness in his Family, for finishing his House & Barns, and for purchasing a Peice of Land necessary for carrying on his Husbandry with a Certificate from the Guardians of the Indians, Signifying their Approbation of the proposed Sale for the Use abovementioned

Read and

*Ordered* that the Prayer of the pet<sup>r</sup> be granted and the Pet<sup>r</sup> is allow'd and impowere'd (with the advice and assistance of the Guardians of the Natick Indians) to Sell the twenty Acres of Land withinmentioned to Such person as Shall give most for the Same; That the Produce thereof be applied for the purposes mentioned in the Pet<sup>o</sup>, and that the Said Guardians be accountable therefor to this Court. [Passed February 15.]

Legislative Records of the Council, xix., 296. Mass. Archives, xxvii., 87.

Legislative Records of the Council, xviii., 43. House Journal, p. 107 (January, 1746); pp. 169, 170.

## CHAPTER 221.

Legislative  
Records of the  
Council, xix.,  
296.

## ORDER ALLOWING £80 ADDITIONAL TO THE LIEUT GOVR.

*Ordered* that there be granted & allowed to be paid out of the publick Treasury to His Honour the Lieut Governour & Commander in cheif the Sum of Eighty Pounds over & above the Grant made his Honour the fifth Current, in Consideration of his past Services, & further to enable him to manage the publick Affairs of the Province. [Passed February 15.]

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## CHAPTER 222.

## ORDER IMPOWERING JOS. COMMECTO, INDIAN, TO SELL LAND.

Legislative  
Records of the  
Council, xix.,  
296. Mass.  
Archives,  
xxxii., 86.

Mass.  
Archives,  
xxxii., 86.  
House Jour-  
nal, p. 170.

A PETITION of Joseph Commecto of Natick Indian praying for Liberty to sell Twenty Acres of Land in said Place belonging to him, for the payment of his Debts, finishing a Barn erected by him, purchasing some Meadow there & building a dwelling House if the Produce should be sufficient, which was approved by the Indian Guardians.

Read and

*Ordered* that the Prayer of the pet<sup>n</sup> be granted and the Pet<sup>r</sup> is allowed and impowered (with the Advice and assistance of the Guardians of the Natick Indians) to Sell the twenty Acres of Land within mentioned to Such Person as shall give most for the Same; That the Produce thereof be applied for the Purposes mentioned in the petition, And that the Said Guardians be accountable therefor to this Court. [Passed February 15.]

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## CHAPTER 223.

ORDER ALLOWING £2 TO EDW<sup>D</sup> MANCHASTER.

Legislative  
Records of the  
Council, xix.,  
298. Mass.  
Archives,  
lxixiii., 732.

Mass.  
Archives,  
lxixiii., 732.  
House Jour-  
nal, pp. 126, 154.  
*Ante*, p. 345,  
chap. 205.

A PETITION of Edward Manchaster of Dartmouth a Soldier in the late Expedition against Cape Breton, shewing that he continues still a Cripple by the Wounds he received in the said Expedition, and is disabled from supporting himself. therefore praying for further allowance from this Court.

Read and

*Ordered* that the Pet<sup>r</sup> be allowed out of the publick Treasury Two pounds in consideration of his Sufferings within mentioned. [Passed February 16.]

## CHAPTER 224.

## ORDER GRANTING 190 ACRES OF LAND TO CAPTAIN WILLIAMS, ON CERTAIN CONDITIONS.

THE COMM<sup>TEE</sup> to whom was refer'd the Petition of Ephraim Williams Captain of Massachusetts Fort prefer'd to this Court in January last, having viewed the Land petitioned for & being really of Opinion that it would be of great Advantage to the Province as also Encouragement to the Settlers of the Towns lately laid out, one of which the Fort stands on, that a Good Grist Mill be built in some suitable Place in said Township, Therefore report as their humble Opinion, that there be a grant of One hundred & ninety Acres of the Land petitioned for, made to the Petitioner, his Heirs & Assigns for ever, the Comm<sup>tee</sup> apprehending it would be of Advantage to the Governm<sup>t</sup> to reserve ten Acres of the Land adjoining to the Land already reserved round said Fort, for the use of the Province. PROVIDED he Do within the Term of two Years build & erect a good Dam & Grist Mill on the North Branch of Hoosneek River, which we apprehend will accomodate the Settlers much better than in the Place petitioned for, as was proposed, And he to keep the same in good Repair, for the Space of Twenty Years from the time of it being erected. PROVIDED the same should not be destroyed by the Enemy, in case of a War happening or some other extraordinary Cassnalty. And the Comm<sup>tee</sup> are of Opinion that there be a further grant of Ten Acres more of Land at the Place he shall build said Mill, including the Same, and that he return a Plan of said Land by a Surveyor & Chain men upon Oath within Twenty Months from this time, for Confirmation

Legislative Records of the Council, xix., 297. Mass. Archives, lxi., 332.

House Journal, pp. 169, 170, 171. *Ante*, p. 485, chap. 190.

All which is humbly Submitted JAMES MINOT per Order

Read and

*Ordered* that this Report be so far accepted as that One hundred and Ninety Acres of the land Petition'd for be and hereby is granted to the within named Ephraim Williams His Heirs and Assigns for ever.

PROVIDED HE doth within the term of two Years from this time Erect and Finish for Service a Good Grist Mill and Saw Mill on the North Branch of Hoosneek River (so called). And that He keep the same in good Repair for the Space of twenty Years from the time of their being Erected. Provided also that He return a Plan of said Land by a Surveyor and Chain Men upon Oath within twenty Months from this time for Confirmation. [Passed February 16.

## CHAPTER 225.

ORDER IMPOWERING RICH<sup>D</sup> CHASE AND THANKFULL HIS WIFE TO EXECUTE A DEED.

A PETITION of Richard Chaise & Thankfull Chaise his Wife (Ex-ecutrix of the last Will & Testament of Samuel Berry late of Har-wich dec<sup>d</sup>) shewing that the said Samuel took a Deed of Sale of John Broadbrooks, Joseph Broadbrooks, & Ebenezer Broadbrooks of a peice of Land in Harwich aforesaid & gave his Bond to the said Broadbrooks to give a reconveyance of the said Land upon their paying unto James Otis Esq<sup>r</sup> a certain Sum of Money for

Legislative Records of the Council, xix., 299. Mass. Archives, xviii., 717.

Mass. Archives, xviii., 716. House Journal, p. 173.

which the said Samuel Berry became bound with them, that the said Broadbrooks have actually paid the Money & gotten a Discharge therefore praying that the Petitioners may be impowered by this Court to reconvey the Premisses and to take up the said Testators Bond.

[Read &]

*Ordered* that the Prayer of this Pet<sup>n</sup> be so far granted as that the above named Richard Chase and Thankful his Wife be and hereby are Enabled to Execute a good and sufficient Deed in the Law to y<sup>e</sup> Said John Broadbrooks Joseph Broadbrooks and Ebenezer Broadbrooks of the land and meadow within mentioned upon the said Broadbrook's giving up the Counter Bond herein referd to.  
[Passed February 19.]

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## CHAPTER 226.

### ORDER ALLOWING £134 TO JN<sup>O</sup> HENRY BASTIDE, ESQ<sup>E</sup>.

Legislative  
Records of the  
Council, xix.,  
300. Mass.  
Archives,  
lxxiii., 741.

Mass.  
Archives,  
lxxiii., 738.  
Legislative  
Records of the  
Council,  
xvii. (5), 48.  
House Jour-  
nal, pp. 140, 146,  
171, 175.

A MEMORIAL of John Henry Bastide Esq<sup>r</sup> Director of his Majesties Engineers &c. & Cheif Engineer for Nova Scotia & Newfoundland setting forth his great Servicees for this Province in projecting & directing in the building of the new Works at Castle William & Governours Island, as also the Forts at Marblehead, Cape Ann & Falmouth, as likewise his Services for this Province in the late Expedition against Cape Breton, praying that this Court would take the same under Consideration & make some suitable Allowance for them,

Read and

*Voted* that the Thanks of this Court be given to John Henry Bastide Esq<sup>r</sup> for his Services to this Government as within mentioned.

*Voted* also that the Sum of One hundred and thirty four pounds be granted and paid out of the publick Treasury to the within named John Henry Bastide Esq<sup>r</sup> in consideration of the Services referd to.  
[Passed February 19.]

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Legislative  
Records of the  
Council, xix.,  
301.

Mass.  
Archives,  
lxiv., 429.  
Legislative  
Records of the  
Council, xix.  
273. House  
Journal, p. 175.  
Ante, p. 354,  
chap. 228.

## CHAPTER 227.

### ORDER IN REGARD TO THE MASSACHUST<sup>S</sup> FRIGATE.

*Ordered* that the Comm<sup>ttee</sup> appointed to take under Consideration the State of the Massachusetts Frigate be and they hereby are impowered to dispose of her or otherwise improve her, as they shall judge for the best Advantage of the Province, with the Approbation of this Court if sitting (or in the recess of the Court) of the Lieutenant Governor & Council. [Passed February 20.]

## CHAPTER 228.

VOTE FOR BUILD<sup>G</sup> A COURT HOUSE AT CAMBRIDGE WITH THE MONEY RECEIVED FROM SIR PETER WARREN.

IN THE HOUSE OF REPRES<sup>S</sup> The House took under Consideration the Letter from the Hon<sup>ble</sup> Sir Peter Warren relating to the Money presented by him to this Province, & thereupon

*Voted* that a Letter of Thanks from this Court for so generous a Benefaction (signed by the Secretary) be sent to that Gentleman And to inform him that in Order to perpetuate his Memory among us, it is the Determination of this Court that said Money be applied towards the Building a Court House in the Town of Cambridge.

In Council Read & Concur'd. [Passed February 20.<sup>1</sup>

Legislative Records of the Council, xix., 304.

Mass. Archives, xiii., 248; iv., 12; iii., 561. House Journal, pp. 161, 173, 175, 176. *Infra*, chap. 231.

## CHAPTER 229.

ORDER OF NOTICE WITH STAY OF ALL PROCESS ON THE PETITION OF JOS. PLAISTED TO BRING FORWARD A WRIT OF SCIRE FACIAS.

A PETITION of Joseph Plaisted Sheriff of the County of York, shewing that he is prosecuted in the Law by Mess<sup>rs</sup> Gerrish & Barrell of Boston Merchants, for making an insufficient Return on an Execution taken out against Benjamin Hatch, as Bail to Benjamin Weeks, and for as much as the thing was done by pure Mistake & Misconstruction of the Law, therefore praying that he may be impowered by this Court, in the Name of the said Gerrish & Barrell to bring forward a Writt of Scire facias against said Benjamin Hatch or otherwise be releived as this Court shall judge most reasonable

[Read &]

Legislative Records of the Council, xix., 274. Mass. Archives, xliii., 293.

Mass. Archives, xliii., 291. Legislative Records of the Council, xix., 301. House Journal, pp. 137, 176.

*Ordered* that the Petitioner serve Benjamin Hatch with a Copy of this Petition; And that he shew Cause on the first Fryday of the next Sitting of this Court, why the Prayer thereof should not be granted; And that all Process on the Affair mentioned in the Petition be stayed in the mean time. [Passed February 21.<sup>2</sup>

## CHAPTER 230.

RESOLVE IN REGARD TO QUALIFICATION OF VOTERS IN TOWN MEETINGS.

WHEREAS it has been represented that in the Year 1750, the Assessors of many Towns & Precincts within this Province in making a Valuation in Order to levy the Taxes on the several Towns & Precincts in said Year have valued their Lands in Lawfull Money & reduced their Personal Estates to the Same contrary to the Rules prescribed in the last Tax, by which Means many Difficulties & Disputes may arise about Qualification of Voters. Wherefore

Legislative Records of the Council, xix., 302.

Mass. Archives, cxv., 826. House Journal, p. 176.

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is February 22.

<sup>2</sup> This date is according to Mass. Archives; according to Legislative Records of the Council and the House Journal the date is February 20.

*Resolved* that till a new Valuation be settled by this Court any Person whose Estate shall amount in the last Valuation to Ten Pounds, thirteen shillings & four pence lawfull Money to one single Rate, such Person shall & hereby is deemed a legal Voter in all Town & Parish Meetings, the different Apprehension of many Assessors concerning the former Acts in that Case made & provided to the Contrary notwithstanding. [Passed February 21.]

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## CHAPTER 231.

VOTE FOR THE SECRY'S WRITING TO S<sup>R</sup> PETER WARREN, ADVISING HIM OF DRAFTS, NAMING OF COURT HOUSE, AND THANKING HIM FOR HORSES.

Legislative Records of the Council, xix., 304. Mass. Archives, cil., 367.

Mass. Archives, xx., 559. Legislative Records of the Council, xix., 223. House Journal, pp. 176, 177. *Infra*, chap. 232.

*Voted* that the Seeretary write to Sir Peter Warren in the Name of this Court, & transmit to him a Copy of the Vote of the 20<sup>th</sup> Instant for the Application of the Monys laying in his Hands, & inform him that Bills will be drawn on him by Order of Court for the Paym<sup>t</sup> of the same; And that it is the Determination of the Court that the Building proposed to be erected shall always be known & called by the Name of Warren Hall.

*Voted* also that the Seeretary advise S<sup>R</sup> Pr Warren of the Receipt of the two Horses, & give him the thanks of this Court for his kind Intention in sending over the same. [Passed February 21.]

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Legislative Records of the Council, xix., 303. Mass. Archives, i., 230.

Mass. Archives, i., 206, 208, 213, 229, 230; xiii., 245; iii., 502, 550. House Journal, pp. 139, 170, 177, 178. *Supra*, chap. 231.

## CHAPTER 232.

ORDER APPOINTING A COMMITTEE TO RECEIVE THE HORSES SENT BY SIR PETER WARREN.

*Ordered* that Col<sup>o</sup> Buckminster, Col<sup>o</sup> Otis & M<sup>r</sup> Bucknam be a Committee to take Care of the Horses lately sent as a Present to the Province by Sir Peter Warren; And that they be kept and improv'd in such Parts as shall best answer his design in sending them, and so as shall be most to the Advantage of the Province. [Passed February 22.]

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## CHAPTER 233.

VOTE FOR A PUBLICK FAST.

Legislative Records of the Council, xix., 303. Mass. Archives, xiii., 236.

House Journal, p. 180. Love's Fast and Thanks-giving Days of New England, p. 496.

*Voted* that His Hon<sup>r</sup> the Lieut Gov<sup>r</sup> be desired with the advice of the Council to Issue out a Proclamation app<sup>ting</sup> a Day of Fasting and Prayer through the Province in the recess of the Court to Implore the Divine Blessing through the Course of the Ensuing Year and that all Servile Labour and Recreations be forbidden on said Day.<sup>2</sup> [Passed February 22.]

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is February 22.

<sup>3</sup> The fast was appointed for the 21<sup>st</sup> March, 1750, and was public.

## CHAPTER 234.

ORDER IMPOWERING THE PROVINCE TREASURER TO SUE THE DELIN-  
QUENT FARMERS OF EXCISE.

Legislative  
Records of the  
Council, xix.,  
304. Mass.  
Archives,  
cxix., 487.

*Ordered* that the Treasurer be directed forthwith to put the Bonds in Suit of all the Farmers of Excise Who have not paid into the Treasury the several Sums respectively due from them. [Passed February 22.]

House Jour-  
nal, p. 178.

## CHAPTER 235.

VOTE GRANTING £14 TO REV<sup>D</sup> M<sup>R</sup> ELL. GRAY.

THE COURT taking under Consideration the Loss the Rev<sup>d</sup> M<sup>r</sup> Gray Chaplain of the House had sustained by Fire.

Legislative  
Records of the  
Council, xix.,  
304. Mass.  
Archives, xiii.,  
235.

*Voted* that there be granted and allowed out of the publick Treasury to the Rev<sup>d</sup> Ellis Gray the Sum of fourteen pounds in consideration of his Loss abovementioned. [Passed February 22.]

House Jour-  
nal, pp. 175, 178.

## CHAPTER 236.

ORDER ALLOWING £5 TO EZEK<sup>L</sup> WELLS.

A PETITION of Ezekiel Wells of Road Town shewing that he still remains an Object of the Compassion of this Court by reason of his being dangerously Wounded while he was a Soldier in the Service of this Province at Fort Massachusetts and therefore praying for some further Allowance from this Court.

Legislative  
Records of the  
Council, xix.,  
304. Mass.  
Archives,  
lxxiii., 766.

Read and

Mass.  
Archives,  
lxxiii., 766.  
House Jour-  
nal, pp. 178, 179.  
*Ante*, p. 298,  
chap. 93.

*Ordered* that the Pet<sup>r</sup> be allowed out of the publick Treasury five pounds in consideration of his Wound within mentioned. [Passed February 22.]

## CHAPTER 237.

VOTE APPOINTING A COMMITTEE TO INQUIRE INTO THE LAND BANK ACCOTS.

In Council

Legislative  
Records of the  
Council, xix.,  
304.

*Voted* that John Wheelwright, Andrew Oliver & Thomas Hutchinson Esq<sup>s</sup> with such as the Hon<sup>ble</sup> House shall join be a Comm<sup>tee</sup> to examine & make strict Inquiry into, any Moneys or other effects that may have been received by the Directors of the Land Bank Company jointly & distinct from any Money or effects with which they stand charged in their particular Accounts, and also to consider the Accounts of the Commissioners for finishing the Land Bank: The Comm<sup>tee</sup> to sit in the Recess of the Court and that the said Comm<sup>tee</sup> notify Cpt John Brown that he & the other Partners may be present if they see Cause.

Mass.  
Archives, cii.,  
565. Legisla-  
tive Records of  
the Council,  
xix., 302.  
House Jour-  
nal, p. 179.  
*Ante*, p. 451,  
chap. 110.

In the House of Represent<sup>ves</sup> Read & Concurred & Judge Russell, Mr Tyng, Capt Williams, & Mr Allen are joined in the Affair. [Passed February 22.]

## CHAPTER 238.

Legislative  
Records of the  
Council, xix.,  
304.

House Jour-  
nal, p. 179.

### ORDER REFERRING ALL UNFINISHED MATTERS.

*Ordered* that all Matters which have day & are not pass'd upon, this Session have the same day, at the Next sitting of this Court. [Passed February 22.]

## CHAPTER 239.

### ORDER IMPOWERING BENJ<sup>A</sup> DAY, GUARDIAN, TO SELL LAND AND EXECUTE A DEED THEREFOR.

Legislative  
Records of the  
Council, xix.,  
307. Mass.  
Archives,  
xviii., 747.

Mass.  
Archives,  
xviii., 746.  
House Jour-  
nal, pp. 182, 184.

A PETITION of Benjamin Day Guardian of Glover Short of Attleboro, shewing that by reason of the sickness & bodily weakness of the said Glover Short, the Petitioner has been at great Expence for his Maintenance & there being no Personal Estate belonging to him, therefore praying that the Petitioner may be impowered to sell Twenty five Acres of wild Land in Easton, being the Estate of the said Glover, for payment of the Debts already Contracted, & for his Maintenance for the Time to Come.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted. And that the Pet<sup>r</sup> be and hereby is allowed and impowered in his Capacity as Guardian to Sell the land herein mentioned for the most it will Sell for, and Execute a good Deed thereof in the Law. He first giving Security to the Judge of Probate for the County of Bristol, that the Proceeds of said Sale be duly applied for the purposes therein mentioned. [Passed March 29.]

## CHAPTER 240.

Legislative  
Records of the  
Council, xix.,  
307. Mass.  
Archives, cii.,  
572.

House Jour-  
nal, p. 185.  
Province  
Laws, iii., 554,  
chap. 24. *Ante*,  
p. 369, chap.  
265.

### ORDER IN REGARD TO THE COMMITTEE FOR RECEIVING BILLS OF CREDIT.

WHEREAS this Court have now under their Consideration a Bill in Addition to the Laws already in being for drawing in the Paper Currenny,

*Ordered* that the Committee for receiving the Bills of Credit continue to sit & to give out their Certificates in like manner as heretofore until the Court shall come to a Determination on the said Bill. [Passed March 30.]

<sup>1</sup> Adjourned to March 27. See Legislative Records of the Council, xix., 305.

## CHAPTER 241.

ORDER ALLOWING 40/ TO JON<sup>A</sup> STANHOPE.

A PETITION of Jonathan Stanhope setting forth his Services and Sufferings in the late War, And that by reason of a Wound received in his left Arm, That the Allowance heretofore made has not been sufficient, therefore praying that He may be allowed by this Court a pension sufficient for his Support.

Read and

*Ordered* that the Pet<sup>r</sup> be allowed out of the publick Treasury forty Shillings to be paid into the Hands of M<sup>r</sup> Rice Rep<sup>ue</sup> of Sudbury for the Use of the Pet<sup>r</sup> in consideration of his Services and Sufferings abovementioned. [Passed March 30.

Legislative Records of the Council, xix., 308. Mass. Archives, lxxiv., 2.

House Journal, pp. 120, 182, 184. *Ante*, p. 391, chap. 326.

## CHAPTER 242.

ORDER WITH STAY OF EXECUTION, DIRECTING THE JUDGE OF PROBATE TO PASS ON THE ACCOUNT OF JOHN FISHER, ESQ<sup>R</sup>, GUARDIAN.

A PETITION of John Fisher Esq<sup>r</sup> of Needham, shewing that as Guardian of John Gill & Israel Gill Persons non Compos, he was required by Edward Hutchinson Esq<sup>r</sup> Judge of the Probate of Wills for the County of Suffolk, to lay before him the Accompts of his Guardianship, which he accordingly did three Years ago. And altho' the Petitioner has often Sollicited the Judge to pass some Order on the said Accompts, he has declined it, and instead thereof has put the Petitioners Guardianships Bond in suit, against him and has obtained Judgment against the Petitioner, & Execution is issued out thereupon, therefore praying that this Court would Order the said Judge to pass on his Accompts, that so he may have Liberty to appeal from his Sentence, if he thinks fit, to the Governour & Council, And that the Execution on the Judgment recovered on his Bonds may be stayed

Read together with the Answer of Edw<sup>d</sup> Hutchinson Esq<sup>r</sup> the Judge of Probate within named, And the Matter being fully considered,

*Ordered* that the said Judge pass on the Accompt within referr'd to as soon as may be; And the Execution within mentioned is stayed untill any Person who may apprehend himself aggrieved at his Decree or Denial thereon may have Opportunity to appeal from it, & prosecute the same to Effect. [Passed April 2.<sup>1</sup>

Legislative Records of the Council, xix., 291. Mass. Archives, xviii., 812.

Mass. Archives, xviii., 808–812. Legislative Records of the Council, xix., 309. House Journal, pp. 163, 173, 188. *Ante*, p. 88, chap. 218.

## CHAPTER 243.

## ORDER CONFIRMING A PLAT OF 200 ACRES OF LAND TO RICHARD TREAT AND HIS THREE ELDEST SONS.

A PLAT of Two Hundred Acres of Land laid out to Richard Treat & his three eldest Sons by Virtue of a Grant of this Court, the said

Legislative Records of the Council, xix.,

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is April 3.

310. Maps and  
Plans, xxxiii.,  
25. — Land adjoining to the West Line of the Town of Sheffield, and the  
said Richard Treat now dwelling on it.

Maps and  
Plans, xxxiii.,  
25. House  
Journal,  
pp. 189, 190.  
*Ante*, p. 476,  
chap. 169.

Read and

*Ordered* that this Plan be accepted and the land as herein delineated and described be and hereby is Confirmed to the within named Richard Treat and his three Eldest Sons their Heirs and Assigns forever Provided the Tract herein contain'd exceed not the quantity of two hundred Acres, and does not interfere with any former Grant.  
[Passed April 3.]

## CHAPTER 244.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE SIX NATIONS SETTL<sup>E</sup> IN THIS PROVINCE.

Legislative  
Records of the  
Council, xix.,  
311. Mass.  
Archives,  
xxxii., 12.

Mass.  
Archives,  
xxxii., 11, 119.  
Legislative  
Records of the  
Council, xix.,  
309. House  
Journal,  
pp. 188, 191.  
*Ante*, p. 488,  
chap. 203.

JACOB WENDELL Esq<sup>E</sup> from the Comm<sup>tee</sup> of both Houses on the Affair of the Six Nations, gave in the following Report, viz<sup>t</sup>

The Comm<sup>tee</sup> appointed to consider the foregoing Matter, are humbly of Opinion That the Comm<sup>tee</sup> appointed to distribute the Moneys granted for that Purpose and to lay out the Lands proposed by the Court for their Settlement, be directed forthwith to repair to Stockbridge, view the Lands thereabout, and agree upon a Tract that may accomodate them. That the Comm<sup>tee</sup> be likewise directed to furnish said Indians out of the Moneys aforesaid, with such Things as they shall judge most needfull for their present Support, and provide therewith for the Edcuation of their Youth, and make Report, if they can this Session of their doings herein.

JACOB WENDELL ♀ Order

Read & Accepted. [Passed April 3.<sup>1</sup>]

## CHAPTER 245.

### ORDER IMPOWERING THE HEIRS OF JN<sup>O</sup> EASTABROOK, DECEASED, TO SELL LAND AND EXECUTE A DEED THEREFOR.

Legislative  
Records of the  
Council, xix.,  
312. Mass.  
Archives,  
xviii., 745.

Mass.  
Archives,  
xviii., 743.  
House Journal,  
pp. 182, 191.

A PETITION of John Eastabrook & others Children & Heirs of John Eastabrook late of Lexington Dec<sup>d</sup> shewing that there is now an Opportunity of selling the real Estate of the Deceased to their Advantage, but some of the Heirs being under Age, they cannot give a Title without the Aid of this Court, therefore praying the Authority of the Court for selling said Estate

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and that the Pet<sup>r</sup>s be and they hereby are allowed and impowered to Sell the land herein mentioned for the most the Same will Sell for And to make and execute a good Deed or Deeds in the Law for the Same. They giving sufficient Security to the Judge of Probate for the County of Middlesex that each of the Minors shall severally receive their proportionable part of the produce of said Sale, with Interest for the Same. [Passed April 4.]

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is April 4.

## CHAPTER 246.

ORDER ALLOWING £8 TO JN<sup>o</sup> WILSON, JUN<sup>r</sup>.

A PETITION of John Wilson jun<sup>r</sup> a Soldier in the late Expedition against Cape Breton, praying for an Allowance from this Court for Wounds received in said Service not yet healed, & for his Expence for his Cure.

Read and

*Ordered* that the Committee of War be directed to pay M<sup>r</sup> William Stickney for the Use of the Petitioner the Sum of Eight pounds in consideration of his Services and Sufferings within mentioned. [Passed April 4.

Legislative Records of the Council, xix., 312. Mass. Archives, lxxiii., 743.

Mass. Archives, lxxiii., 742. House Journal, pp. 103, 194. Province Laws, xiii., 465, chap. 1.

## CHAPTER 247.

## ORDER ALLOWING 14/ TO ISAAC GROS.

A PETITION of Isaac Grose of Hanover, praying that this Court would Order that he may receive out of the publick Treasury, the Sum of Fourteen shillings Lawfull Money in Consideration of his Loss of Bills of Credit on this Province to that Value that were accidentally burnt in his House.

Read and

*Ordered* that there be allowed out of the publick Treasury to David Stockbridge Esq<sup>r</sup> for the Use of the Pet<sup>r</sup> the Sum of fourteen Shillings in consideration of the Loss within mentioned. [Passed April 4.

Legislative Records of the Council, xix., 312. Mass. Archives, cii., 574.

Mass. Archives, cli., 573. House Journal, pp. 189, 190.

## CHAPTER 248.

ORDER ALLOWING 40/ TO GEO. BARROWS, JUN<sup>r</sup>.

A PETITION of George Barron<sup>1</sup> jun<sup>r</sup> of Plymton, shewing that his only Son was killed in the seige of Louisburg, And his Arms & Cloaths were then lost w<sup>th</sup> him praying that an Allowance out of the publick Treasury, to make up his Loss aforesaid may be made by this Court.

Read and

*Ordered* that the Petitioner be allowed and paid out of the publick [Treasury]<sup>2</sup> forty Shillings in consideration of the Loss of the Gun within mentioned. [Passed April 4.<sup>3</sup>

Legislative Records of the Council, xix., 313. Mass. Archives, lxxiv., 1.

Mass. Archives, lxxiv., 1. House Journal, pp. 188, 190.

## CHAPTER 249.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE AND CONFIRMING THE BOUNDARY LINE OF THE TOWNS OF READ<sup>g</sup> & STONEHAM.

A PETITION of the Towns of Reading & Stoneham, shewing that upon a Difference between the said Towns, refering to their divid-

Legislative Records of the Council, xix.,

<sup>1</sup> The petition is signed "George Barrows." — Mass. Archives, lxxiv., 1.

<sup>2</sup> Inserted from Legislative Records of the Council, xix., 313.

<sup>3</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is April 5.

313. Mass.  
Archives, exv.,  
703

Mass.  
Archives, exv.,  
702. House  
Journal, p. 194.

ing Line they appointed Persons mutually to settle & agree upon the Same, that they met together accordingly upon the fifth of Jme last & compleated their Agreem<sup>t</sup> on the said Affair, & reported the same to their respective Towns to their mutual Satisfaction (which Report is herewith exhibited<sup>1</sup>) and praying that the said Report may be allowed & confirmed by this Court.

Read and

*Ordered* that the Prayer of this Pe<sup>tn</sup> be granted And the Report is hereby accepted and the dividing Line between the said Towns of Reading & Stoneham is confirmed agreeable thereto Accordingly. *April 5.<sup>2</sup>*

## CHAPTER 250.

### ORDER ALLOWING ELIS<sup>A</sup> VASS TO RECEIVE WAGES DUE HER SON.

Legislative  
Records of the  
Council, xix.,  
313. Mass.  
Archives,  
lxxiv., 21 $\frac{1}{2}$ .  
  
Mass.  
Archives,  
lxxiv., 21 $\frac{1}{2}$ .  
House Jour-  
nal, pp. 183, 193.

A PETITION of Elisabeth Vass of St Georges River Widow, shewing that Her Son John Vass died in the Service of this Province, being a Soldier under Capt. Jabez Bradbury & left Wages due to him for his Service praying that the Petitioner may be impowered to receive them, without being put to the Trouble & Expence of taking out Letters of Administration.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and the Pet<sup>r</sup> is allowed to recieve the Wages due upon the Muster roll to her Son accordingly. [Passed April 5.

<sup>1</sup> “we the Subscribers Being Chosen a Commitee by the towns of Reading and Stoneham to Setel the Line and mak Bounds betwen the s<sup>d</sup> towns whare thare has bin Disputes accordingly we haue Bin upon s<sup>d</sup> Line and haue Seteled it and maid the Bounds and they are in the foloing maner Begening at the Corner of John Greens Land by the Corner of the wall By Jonas Greens hous if Being the Line Betwen s<sup>d</sup> John Green and Thos Greens then Roning westerly to an ash stomp in Danil Green Jun<sup>r</sup> Land by the Broock with stak and stons a bout it then the Line runs norwesterly to a stake and stons at the north East Corner of Josiah Greens Wood Lot by Danil Greens Land then westerly to the south west Corner of s<sup>d</sup> Danil Greens Land then northerly to the north west Corner of s<sup>d</sup> Danil Greens Land then Esterly to a stake and stons in the old Line formerly the Line Betwen Charlstown and madden then northerly in s<sup>d</sup> Line by anchant marks to a black oake tree marked with R and S Standing betwen the Land of Elder Danil Green and Jonan<sup>n</sup> Ewens from thence with a Straight Line to the south west Corner of Smiths Pond so cald from thence to the South Est Corner of Danil Gould jun<sup>r</sup> farm by the Broock then northerly By s<sup>d</sup> Goulds farm to his north East Corner then westerly still by s<sup>d</sup> farm till it Come to the south East Corner of Taylers Paster So Caled it Being the Southwest Corner of a Paster Belonging to the heirs of Nath<sup>ll</sup> Coudry Deceast from thence to a hepe of stons in s<sup>d</sup> Taylers Paster from thence to a stake in the Road Betwen Charlstown farm and Nath<sup>ll</sup> Eatons Land from thence as the fence now stands to a whight oak tree marked then to a stake and stons on the north side of the Road from thence to a black oake stomp and so by anchant allowed Bounds to Woburn Line as formerly Seteled the a boue Line as they are described we the Subscribers Commitee as afore s<sup>d</sup> Due setel and Establish<sup>r</sup> [sic, as to parenthesis] So far as we haue Receaved Power from the towns a boue s<sup>d</sup> to be y<sup>e</sup> Line and standing Bounds Betwen the town of Reading and Stoneham for the futer in testimonye whare of we haue hear unto set our hands the day and year a bou writen

Commitee { SAM'L POOLE  
for EBENE NICHOLS  
Reading { JOHN GOODWIN

Commitee { SAMUEL GREEN  
for PETER HAYS  
Stoneham { JOHN GEARY.” — Mass.

Archives, exv., 702.

<sup>2</sup> Mass. Archives gives the final date as April 3, evidently a mistake for April 5; the opening words of the Archives reading: “In the House of Rep<sup>ves</sup> April. 5. 1751.”

## CHAPTER 251.

## ORDER ANNEXING DIVERS INHABITANTS AND THEIR ESTATES TO THE SOUTH PRECINCT IN PLYMPTON.

A PETITION of Barnabas Shirtlief in Behalf of the South Precinct in Plympton shewing that when the said Precinct was constituted, Edmund Tilson, Isaac Nye & Eleazer Cushman were left to do Duty & receive Priviledge in the first Precinct, till the further Order of this Court, altho' their Estates ly within the bounds of the said South Precinct praying that they & their Estates may be annexed to the South Precinct agreeable to their own desire

Legislative Records of the Council, xix., 313. Mass. Archives, exvl., 2.

House Journal, pp. 189, 190. Province Laws, xi., 676, chap. 64.

[Read &]

*Ordered* that the above named Edmund Tilson Isaac Nye and Eleazer Cushman with their families be Annexed to the South Precinct in Plimpton, to do duties and Enjoy Privileges in Said Precinct as others, and that they with their Estates lying within the Line of Said Precinct, be Exempt and no longer subjected to pay Taxes or do duties in the old Parish in said Plymton any former Order of the General Court to the Contrary notwithstanding. [Passed April 5.

## CHAPTER 252.

## ORDER APPOINTING A COMMITTEE ON REPAIRS TO CASTLE WILLIAM.

A MEMORIAL of John Brock Gunner of his Majestys Castle William, shewing that a Number of the Carriages & Carriage Wheels of the Cannon at the Royal Battery are defective, & that a new Engine is wanting for mounting the Forty two Pounders, the old one having been sent to Louisburgh, praying that this Court would give Orders respecting the Premisses,

Legislative Records of the Council, xix., 314. Mass. Archives, lxxiv., 4.

Mass. Archives, lxxiv., 3. House Journal, pp. 191, 194.

In the House of Rep<sup>ues</sup>

Read and

*Ordered* that M<sup>r</sup> Speaker M<sup>r</sup> Allen and Col<sup>o</sup> Royal with such as the Hon<sup>bl</sup> Board shall appoint be a Comm<sup>ee</sup> with the Leave of His Hon<sup>r</sup> the Lieut<sup>t</sup> Gov<sup>r</sup> to Cause the Articles within mentioned to be repaired. Also

*Voted* that they Cause all the Repairs that are necessary to be made at Castle William to be Effectued in the best & Cheapest manner.

In Council Read and Concurr'd and Jacob Wendell and Sam<sup>l</sup> Watts Esq<sup>rs</sup> are join'd in the Affair. [Passed April 5.

## CHAPTER 253.

ORDER ALLOWING £59. 16. 4 TO RICH<sup>p</sup> HAZZEN.

A PETITION of Richard Hazzen, setting forth his Service, Time & Expence in surveying the Eastern Coast of this Province agreeable to the Order of this Court & praying that he may be allowed out of the publick Treasury the Sum of Fifty nine Pounds sixteen

Legislative Records of the Council, xix., 314. Mass. Archives, vi., 524.

Mass.  
Archives, vi.,  
522, 523. House  
Journal,  
pp. 193, 197.  
*Ante*, p. 453,  
chap. II3.

shillings & four pence, now remaining due to him according to the Account herewith exhibited.

Read and

*Ordered* that the Sum of fifty Nine pounds Sixteen Shillings and four pence be allowed the Mem<sup>r</sup> out of the publick Treasury in consideration of his Services and Expences mentioned. [*Passed April 5.*

## CHAPTER 254.

### VOTE ACCEPTING THE REPO<sup>R</sup>T IN REGARD TO THE RHODE ISLAND AFF<sup>R</sup>.

Legislative  
Records of the  
Council, xix.,  
316. Mass.  
Archives, vi.,  
609.

Mass.  
Archives, vi.,  
609. Legisla-  
tive Records  
of the Council  
xix., 306.  
House Jour-  
nal, p. 194.  
*Ante*, p. 389,  
chap. 322.

ANDREW OLIVER from the Comm<sup>tee</sup> on the Affair of Rhode Island, Governmt gave in the following Report viz.

The Comm<sup>tee</sup> having Considered the Affair within committed to them are humbly of Opinion, that the Treasurer be directed to prepare a correct State of the Debt due from the Towns & Persons, within mentioned, and also a Copy of the Letters sent to ye<sup>e</sup> Governoeur of Rhode Island & that the whole with such other Papers relating to this Affair as the Lieuten<sup>t</sup> Governoeur & Council shall judge necessary, be authenticated & sent to M<sup>r</sup> Agent Bolland, and that he be instructed to make an humble Representation to his Majesty, of the Injury this Government sustains, & endeavour in the best Manner he can to procure Redress,

Which is humbly Submitted AND: OLIVER per Order

Read and Accepted. [*Passed April 5.*<sup>1</sup>

## CHAPTER 255.

### ORDER IMPOWERING DAVID MOSELEY, ESQ<sup>R</sup>, TO CALL A TOWN MEET- ING AT WESTFIELD.

Legislative  
Records of the  
Council, xix.,  
315. Mass.  
Archives,  
cxi., 17.

Mass.  
Archives,  
cxi., 16.  
House Jour-  
nal, pp. 193, 198,  
199.

A PETITION of D<sup>r</sup> Israel Ashley in behalf of the Town of Westfield, shewing that the Officers chosen at their last March Meeting, took the Oaths heretofore usually taken, but ommitted the taking of the Oath enjoined by Law to be taken previously thereto. therefore praying that this Court would give Orders that the said Officers may have Opportunity to take the said Oath, and that upon the refusal of any of them, the said Town may have Power to chuse other Officers in their Room.

Read and

*Ordered* that David Moseley Esq<sup>r</sup> of Said Town of westfield be and he hereby is Directed and Impowered to Summon the Several Persons Chosen by the Inhabitants at there annual meeting in march last to Serve as Town officers, for ye<sup>e</sup> year Currant; and Tender the Oath, Necessary to be Taken (pursuant to law) Previous to their Respective office Oaths; And in Case of ye<sup>e</sup> Neglect or Refuseall of all, or any of Said officers Chosen at ye<sup>e</sup> meeting afforesaid, of whom an Oath is by law Required Then ye<sup>e</sup> Selectmen of Said Westfield for ye<sup>e</sup> year one thousand Seven hundred and fifty

Be & Hearby are Impowered and Directed forthwith To assemble

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is April 6.

the Inhabitants, by Issneing Their warrant, Directed to y<sup>e</sup> Constable or Constables of S<sup>d</sup> Town for y<sup>e</sup> year 1750 who are hereby required to Observe the Same In order to Choose Such Town officer or officers as by law Required to haue been Chosen at y<sup>e</sup> s<sup>d</sup> meeting in march or So many as Shall Refuse y<sup>e</sup> said previous Oath of those already Chose and the Said officer or officers So Chosen (after Haveing taken the Respective Oaths: by law Required) Shall be Known and to all Intents and Purposes Shall be the officer or officers of Said Town of Westfield the year Currant; The time for y<sup>e</sup> Choice of Town officers by law being Ellap<sup>s<sup>d</sup> notwithstanding. [Passed April 6.</sup>

## CHAPTER 256.

### VOTE ERECTING DIVERS INHABITANTS OF SPRINGFIELD INTO A SEPARATE PRECINCT.

A PETITION of Jonathan Chapin, Elisha Chapin & others Inhabitants of Springfield, shewing that they served the first & second Parishes in said Town, with Copies of the Order of this Court on their former Petition prefer'd in October last, that the said Parishes have not complied with the Directions of this Court for the Petitioners releif, & therefore praying that they may be set off a separate Precinct, by such Bounds & in such Manner as particularly set forth in their Petitions.

In the House of Rep<sup>ues</sup>

It appearing to the Court<sup>1</sup> that the said first and second Parishes have not Comply'd with the order of this Court of October 10<sup>th</sup> 1750.

Therefore

*Voted* that the Prayer of the Petition be so far granted as that they be sett off and erected into a Distinct precinet by such Meets and Bounds as this Court shall think proper and that Col<sup>o</sup> Williams & Col<sup>o</sup> Porter with such as the Hon<sup>ble</sup> Board shall Joyn be a Committee to Repair to said Lands and hearing the parties to prescribe proper bounds and Limits to said Precinet determining what Lands are proper to be Taxed to the same and make Return of their doings to the General Court on the second Thursday of the next May Sessions for their Confirmation And that the said first and second parishes be and hereby are ordered to Reimburse to the respective Inhabitants of said propos'd precinct whatever Taxes have been imposed upon and have been Collected from them since the 10<sup>th</sup> of October 1750 or may be Collected before they are serv'd with this Order and that the said Inhabitants be Discharged of all the aforesaid Assessments Levied as aforesaid which may not be Collected.

And further that the Inhabitants of said proposed Precinet dwelling on the East side of Connecticut River be and hereby are Enabled and obliged to Tax themselves for the Settlement of the first Minister and Building the first Meeting house Exclusive of those on the West side of Said River for the Reasons mentioned in said Petition.

In Council Read & Concur'd, & Oliver Partridge Esq<sup>r</sup> is joined in the Affair. [Passed April 6.

Legislative  
Records of the  
Council, xix.,  
316. Mass.  
Archives, cxv.,  
880.

Mass.  
Archives, cxv.,  
876-882; cciiii.,  
62. House  
Journal,  
pp. 191, 198.  
*Ante*, p. 448,  
chap. 100.

<sup>1</sup> A line is drawn through the words "to the Court," in Mass. Archives, cxv., 880.

## CHAPTER 257.

ORDER GRANTING TO THOS CUTLER, JUN<sup>R</sup>, LICENSE TO KEEP A TAVERN.

Legislative  
Records of the  
Council, xix.,  
317. Mass.  
Archives, exi.,  
217.

Mass.  
Archives, exi.,  
216. House  
Journal, p. 198.

A PETITION of Thomas Cutler jun<sup>r</sup> of Western in the County of Worcester shewing that He has purchased of Capt Noah Ashley, a Dwelling House in said Town which has for many years been used as a Tavern, for which he has obtained the Approbation of the Select Men, Therefore praying that the Court of General Sessions of the Peace for said County may be impowered to grant him a Licence to keep an Inn or Tavern in said House.

Read and

*Ordered* that the Justices of the Gen<sup>l</sup> Sessions of the Peace for the County of Worcester be allowed and Impowered to grant the Pet<sup>r</sup> a Licence if they see cause, the time being elapsed by Law notwithstanding. [Passed April 6.]

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## CHAPTER 258.

## ORDER IMPOWERING DAVID HALL AND OTHERS, GUARDIANS, TO SELL AN ESTATE.

Legislative  
Records of the  
Council, xix.,  
318.

Mass.  
Archives,  
xviii., 760.  
House Jour-  
nal, p. 184 bis.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of David Hall & others Guardians of Lydia Seers, Seth Seers & Rowland Seers, Minors, Children & Heirs of Seth Seers late of Yarmouth Dec<sup>d</sup> shewing that the Said Seth Seers's real Estate is so scatter'd in different Places the Land in small Parcells, and the Buildings so out of Repair that it would be most for the Profit of the Orphans to sell them, and therefore praying that this Court would impower the Petitioners to sell the said Estate accordingly.

Read &

*Ordered* that the Prayer of the Petition be granted. Provided due Caution in the Law be given to the Judge of Probate for the County of Barnstable respecting the Orphans Proportion of the said Estate, and the Directions of the Law pass'd in the sixth Year of His Late Majesty King George the first, relating to Executor's & Administ<sup>r</sup>s Sale of Real Estates be duly observed. [Passed April 6.]

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## CHAPTER 259.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE IN REGARD TO MAKING A TREATY W<sup>H</sup>T THE EASTERN INDIANS.

Legislative  
Records of the  
Council, xix.,  
317.

Mass.  
Archives,  
xliii., 411.  
Legislative  
Records of the

JOHN QUINCY Esq<sup>r</sup> from the Comm<sup>tee</sup> of both Houses on the Affair of the Eastern Indians gave in their Report, which was accepted by both Houses with an Amendm<sup>t</sup> & Consented to by the Lieutent<sup>t</sup> Goverour.

And as so amended is as follows, viz<sup>t</sup>

The Comm<sup>tee</sup> are of Opinion that it is necessary a Treaty should

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is April 8.

be had with the Penobscot & Norridgewock Tribes, and that the <sup>Council</sup> *xix.*,  
St Francois Indians viz<sup>t</sup> the several Tribes or Villages which are <sup>291, 292, 298, 308,</sup>  
commonly known by that general Term be invited to be present, <sup>309, 310 bis, 314,</sup>  
And that His Honour the Lieut<sup>t</sup> Governoeur be desired to attend <sup>House Jour-</sup>  
the Treaty in Person, or to appoint Commissioners for that Purpose, <sup>nal, p. 197.</sup>  
and that he Cause Notice to be given to the several Tribes  
of Indians accordingly. The Comm<sup>tee</sup> are further of Opinion that  
the begining of August may be the most Convenient Time for the  
Treaty, if His Honour shall think Proper.

Which is humbly submitted. By Order of the Com<sup>tee</sup>  
J. QUINCY

[Passed April 8.

## CHAPTER 260.

### ORDER IMPOWERING JAM<sup>S</sup> HARLOW, GUARDIAN, TO SELL LAND AND EXECUTE A DEED THEREFOR.

A PETITION of James Harlow Guardian of Ichabod P[h]inney of Barnstable an Infant, shewing that the only real Estate belonging to the said Infant is a House & Land at Barnstable valued at 180£ old Tenor which is in such Circumstances as that the necessary Repairs will swallow up all the Rent, Therefore praying that he may be allowed to sell it for the Benefit of the Infant.

Read and

Ordered that the Petitioner in his Capacity as Guardian to the within named Ichabod Finney be and hereby is allowed and impowered to Sell the House herein mentioned for the most the same will fetch, and make and execute a good Deed in the Law for the Same.

He first giving security to the Judge of Probate for the County of Plymouth that the Proceeds of said Sale with Interest therefor be duly paid to said Ichabod when He shall arrive at Lawful Age.

[Passed April 8.

## CHAPTER 261.

### ORDER ALLOWING £37. 9. 4 TO SIM<sup>N</sup> HOXIE.

A PETITION of Simeon Hoxie one of the Constables of the Town of Yarmouth for the Year 1749, shewing that he had collected the Sum of Two Hundred & Eighty one Pounds Old Tenor Bills of the Province Tax, & laid it up in his Chest, and in his Absence his Chest was burnt by the Carelessness of his Children, and all the said Bills burnt in it, (being all Bills of this Province) praying that the Province Treasurer may be directed to give the Petitioner a Discharge for that Sum.

Read and

Ordered that the Treasurer be directed to discount with the Pet<sup>r</sup> the Sum of Thirty Seven pounds Nine Shillings and four pence out of the Tax Bill committed to him in Lieu of the Bills lost by fire.

[Passed April 8.

*Legislative Records of the Council, xix., 318. Mass. Archives, xviii., 759.*

*Mass. Archives, xviii., 758. House Journal, pp. 188, 192.*

*Legislative Records of the Council, xix., 318. Mass. Archives, cii., 462.*

*Mass. Archives, cii., 461-463. House Journal, pp. 182, 199.*

## CHAPTER 262.

## ORDER DIRECTING THE INHABITANTS OF THE TOWN OF NORTON TO ELECT THE NECESSARY OFFICERS.

Legislative  
Records of the  
Council, xix.,  
319. Mass.  
Archives,  
cxi., 15.

Mass.  
Archives,  
cxi., 14.  
House Jour-  
nal, pp. 197, 201,  
202. Province  
Laws, iii., 430,  
chap. 15.

A PETITION of Ephraim Leonard & Simeon Wytheril in behalf of the Town of Norton setting forth the Difficulties they are under by reason of the Oath enjoined in the Act for drawing in the Bills of Credit, to be taken by Town Officers, their Officers elect refusing to take the said Oath, at their late March Meeting, only one Select Man accepting & taking the said Oath, that their Meeting stands adjourned to May next, praying that the said Law may be relaxed, or that the said Town may be otherwise relieved by this Court.

[Read and the following action taken]

inasmuch as the anniversary meeting of the Town of Norton for the choice of Town officers, as mentioned in this Petition, was held within the month of March, agreeable to Law, (which meeting was not Dissolved but still subsists by adjournment;) and the proposed Election of Town officers at said Adjournment was in no wise irregular:

Therefore

*Order'd* that the Inhabitants of the Town of Norton at their meeting to be held by adjournment as aforesaid proceed to the choice of such Town officers as are yet wanting: and that such Elections as shall then be made by the major part of the Inhabitants (Qualified as the Law directs) that may then be assembled shall be deemed Valid the Expiration of the Month of March notwithstanding. [Passed April 8.

## CHAPTER 263.

ORDER IMPOWERING TIM<sup>O</sup> HEALD AND ELIZABETH HIS WIFE, GUARDIAN, TO SELL AN ESTATE AND EXECUTE DEED OR DEEDS THEREFOR.

Legislative  
Records of the  
Council, xix.,  
319. Mass.  
Archives,  
xviii., 763.

Mass.  
Archives,  
xviii., 762–764.  
House Jour-  
nal, pp. 203, 204.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Timothy Heald & Elisabeth his Wife Guardian to Martha Brooks a Minor, Daughter of Seth Brooks late of Townsend Dec<sup>d</sup> shewing that the principal Estate left the said Martha is a House & Land which is under such Circumstances that the Petitioners are fully persuaded that it will be of great Advantage to the s<sup>d</sup> Minor to have the Estate sold & converted into Money, praying for Liberty to sell said House & Land accordingly

Read and

*Ordered* that the Pet<sup>r</sup>s be and they hereby are allowed and impowered to make sale of the House and Land within mentioned; and to make and execute a good Deed or Deeds in the Law for the same. They Observing the Law respecting the Sale of Intestate Estates, and giving due caution to the Judge of Probate for the County of Middlesex to be accountable for the money arising by said Sale for the Use of the within named Minor Martha Brooks. [Passed April 9.

## CHAPTER 264.

ORDER CONFIRMING THE ACTION OF THE ATTORNEY AND TRUSTEES  
OF THE £50,000 LOAN.

A MEMORIAL of Edward Hutchinson Esqr surviving Trustee of the £50,000 Loan & of Nicholas Sever Esqr shewing that the said Nicholas purchased some Lands in the County of Plimouth of the said Trustee, which had been mortgaged, & were forfeited to the Province, That there are some Difficulties in the said Affair, that without the Interposition of this Court the Petitioner may be a Sufferer, therefore praying further Directions thereon.

The Committee to whome was referr'd the Petition of Edw<sup>d</sup> Hutchinson & Nich<sup>o</sup> Sever Esqr have Exam<sup>d</sup> into y<sup>e</sup> Matters & things Contain'd Therein & find the Facts Therein Contain'd to be True And Are of Opinion That y<sup>e</sup> attorney who in behalf of s<sup>d</sup> Trustees took Possession of s<sup>d</sup> Lands Ought to be Sworn thereto In perpetuam rei memoriam & y<sup>e</sup> Affidavit Recorded & That Thereupon The s<sup>d</sup> affidavit Should be Deem'd to all Intents & purposes as Good & valid in y<sup>e</sup> Law & have y<sup>e</sup> Same operation in Law as If It appear'd That The s<sup>d</sup> Exon Issued, was Served & Possession of y<sup>e</sup> Premisses Given and a return Thereof Duly Made by the s<sup>d</sup> Sheriff; and Further That The Sale of s<sup>d</sup> Mortgaged Land made by y<sup>e</sup> S<sup>d</sup> surviving Trustee Ought to be held Good & valid in y<sup>e</sup> Law for passing s<sup>d</sup> Estate to y<sup>e</sup> Several & Respective Persons to whom y<sup>e</sup> s<sup>d</sup> Estate is Sold

All which is Humbly Submitted by order of y<sup>e</sup> Committe

JOHN HILL

Read and accepted and

*Ordered* That John Cushing Esqr the Attorney, who took possession of the Lands withinmention'd, in behalf of the Trustees of the first fifty thousand pounds Loan, be sworn thereto in perpetuam Rei memoriam; That his affidavit being recorded with the Records of Deeds for the County of Plimouth, be deem'd, to all Intents and purposes, good and valid, and have the Same operation in Law as if it had appear'd that the Said issued Execution was Served, and possession of the Said Lands given, and a Return thereof duly made by the Sheriff: And it is further

*Ordered* That the Sale of the Premises aforesaid, made by Edward Hutchinson Esqr the Surviving Trustee within named, be and hereby is held good and valid in Law for passing the Said Estate to the several and respective Persons and their assigns to whom the Same is Sold. [Passed April 9.

## CHAPTER 265.

ORDER ALLOWING £3 TO TIM<sup>o</sup> WHEEDEN.

A PETITION of Timothy Wheeden shewing that in the Month of September last he was captivated by the Indian Enemy & carried to Canada & there redeemed by Capt Phineas Stevens & brought to Boston, that he has not one Penny of Money to pay his Charges at Boston & carry him Home to His Family, praying that this Court would make Some Allowance for his Charges

Legislative  
Records of the  
Council, xix.,  
264. Mass.  
Archives, cit.,  
545.

Mass.  
Archives, cit.,  
543; cccii., 61,  
67. House  
Journal,  
pp. 121, 203, 204.  
Province  
Laws, i., 750,  
chap. 10; ii.,  
996, chap. 10.

Legislative  
Records of the  
Council, xix.,  
321. Mass.  
Archives,  
lxxiv., 5.

House Jour-  
nal, p. 202.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and that the Pet<sup>r</sup> be allowed three pounds out of the publick Treasury for the purposes within mentioned accordingly. [Passed April 9.<sup>1</sup>

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## CHAPTER 266.

### ORDER REFERRING THE PETITION OF CALEB TROWBRIDGE, ATTORNEY, IN REGARD TO AN ERROR IN A JUDGMENT.

Legislative Records of the Council, xix., 293. Mass. Archives, xiii., 308.

Mass. Archives, xiii., 306—316. House Journal, pp. 66, 206.

A PETITION of Caleb Trowbridge Attorney to John Shepley & Isaae Green both of Groton in the County of Middlesex Administ<sup>rs</sup> of the Estate of Jonathan Boyden Dec<sup>d</sup> shewing that there is a manifest Error in the Judgment of the last Inferior Court of Common Pleas for said County in a Cause between the Petitioners & one William Lakin, praying that the said Court may be impowered upon the Petitioners Complaint to rectify the Same.

Read and

*Ordered* That the Consideration of this Petition be and hereby is referr'd to the Second Wednesday of the next May Session. [Passed April 10.

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## CHAPTER 267.

### ORDER DIRECTING THE TREAS<sup>R</sup> TO SEND OUT HIS WARRANTS, AGAINST DELINQUENT CONSTABLES AND COLLECTORS OF TAXES.

Legislative Records of the Council, xix., 321. Mass. Archives, xii., 578.

House Journal, p. 204.

*Ordered* that the Treasurer be and he hereby is directed and enjoyned immediately after the first day of May next to Send forth his Warrants of Execution agt every Constable and Collector which shall be deficient, or shall not then have paid into the Treasury the Whole Sum committed to him to Collect And that this Order be Inserted in the publick Prints. [Passed April 10.

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## CHAPTER 268.

### ORDER IMPOSING A TAX ON NON-RESIDENT PROPRIETORS OF THE WEST PARISH OF LEICESTER.

Legislative Records of the Council, xix., 322. Mass. Archives, xiii., 244.

Mass. Archives, xiii., 243. House Journal, pp. 108, 110, 184, 205.

A PETITION of Joshua Eaton Pastor, Pastor<sup>2</sup> of the Church in the Westerly Part of the Town of Leicester, setting forth the great Difficulties he has met with as to his Support in the Ministry there, and therefore praying that a Moderate Tax may be laid on the unimproved Lands in the said Precinct, To begin from the Determination of the last Tax, to be for the uses of the same Tax

Read again and

*Ordered* that this Pet<sup>n</sup> be revived and the Prayer thereof be so far granted as that the Sum of three farthings per Aere per Annum be impos'd upon the lands of the Nonresident Prop's within the Limits of the West Parish in Leicester for the term of five Years from this time for the purpose within mentioned. [Passed April 10.

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is April 10.

<sup>2</sup> *Sic.*

## CHAPTER 269.

## ORDER WITH STAY OF EXECUTION ON THE PETITION OF WM COLES TO ENTER AN ACTION.

A PETITION of William Cole of Topsham in Great Britain Mariner shewing that Richard Homans of Marblehead in September last Commenced an Action against him, to be prosecuted at the Inferior Court of Common Pleas for the County of Essex, for not paying him £140 alledged to be due for Fish delivered him, that the Petitioner being bound to Sea, gave a Power of Attorney to Edmund Trowbridge Esq<sup>r</sup> who being obliged to attend at the Court of Assize in the County of Hampshire, so that the Petitioner having none to appear for him, Judgment went against him by Default, therefore praying that he may be allowed a Trial of the said Cause at the next Superior Court in the said County and that Execution may be stayed in the meantime

Read, together with the Answer of Richard Homans's, the adverse Party, and the Matter being fully considered;

*Ordered* that the Prayer of the Petition be granted; And the Pet<sup>r</sup> is allow'd to enter his Action at the Superior Court of Judicature &a to be held at Ipswich within and for the County of Essex on the first Tuesday of June next; And the Justices of the Said Court are impowered and directed, without admitting any dilatory Pleas, to hear and try the Said Action upon the Merits, enter up Judgment and award execution accordingly, The Said Judgment of the Inf<sup>r</sup> Court notwithstanding; And that the Exon of the Said Judgment and all Process against the Said Bail be Staid: Provided the Petitioner give Sufficient Security to the Sheriff of the Said County to pay what Sum Shall be recovered of him upon the Trial aforesaid with lawful Interest for the Same from this time to the day when final Judgment Shall be made up; Provided also that the Pet<sup>r</sup> notify the adverse party of this Order fourteen days at least before the Siting of the Said Court. [Passed April 11.<sup>1</sup>

Legislative Records of the Council, xix., 270. Mass. Archives, xlvi., 299.

Mass. Archives, xlvi., 297-304. Legislative Records of the Council, xix., 321. House Journal, pp. 134, 207.

## CHAPTER 270.

ORDER ALLOWING £35 TO RICH<sup>D</sup> GRIDLEY ESQ<sup>R</sup>.

A PETITION of Richard Girdley Esq<sup>r</sup> shewing that he has not been allowed the full Sum granted by the Crown for his Service as Bombardier in the late Expedition against Cape Breton, praying that this Court would give Orders that his Arrears of Wages for that Service may be now paid him,

Read and

*Ordered* that the Comm<sup>ee</sup> of War be directed to pay the Memorialist the further Sum of Thirty five pounds in addition to that granted him by this Court in their last Session being so much Justly due to him, to Compleat what the Province received of the Crown on his Account as Bombardier. [Passed April 11.

Legislative Records of the Council, xix., 323. Mass. Archives, lxxvii., 748.

Mass. Archives, lxxvii., 746-749. Legislative Records of the Council, xix., 283. House Journal, pp. 141, 148, 150, 154, 165, 178. Ante, p. 452, chap. 112.

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is April 10.

## CHAPTER 271.

## ORDER APPOINTING A COMMITTEE TO SELL LAND BETWEEN ROAD TOWN AND MILLERS RIVER.

Legislative Records of the Council, xix., 323.

Mass. Archives, xlvi., 147, 244—249. House Journal, pp. 125, 134, 135, 146, 147, 158, 193, 206, 207, 208.

A PETITION of John Powers, Ebenezer Child, John Barnard & others Inhabitants of the Plantation called Road Town, setting forth the Difficulties they have been at in their settling upon said Place, & praying the Grant of a Tract of Land belonging to the Provincee, & seituete between said Road Town & Millers River

In the House of Represent<sup>s</sup> Read &

*Ordered* that Coll<sup>o</sup> Clap & Judge Russell & Coll<sup>o</sup> Gerrish with such as the Hon<sup>ble</sup> Board shall join, be a Comm<sup>tee</sup> to make Sale of the Land within mentioned to any Person or Persons who will give most for the Same. The Produce of the said Sale, to be paid into the Treasury within twelve Months from said Sale, they obliging the Purchaser or Purchasers to settle Fifteen Families upon said Tract of Land within three Years from this Time, each Settler to build an House eighteen feet square & seven Feet stud, & to bring to, five Acres of Land fit for mowing, within the Term aforesaid, & upon their performing the Conditions aforesaid, the said Lands to be Confirmed to them, their Heirs & Assigns forever, the said Comm<sup>tee</sup> to render an Account, of their Proceedings herein to this Court,

In Council Read & Concur'd & Sam<sup>l</sup> Watts & John Chandler Esq<sup>s</sup> are joined in the Affair. [Passed April 11.

## CHAPTER 272.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE AFFAIR OF THE EASTON MEET<sup>g</sup> HOUSE AND DIRECTING THE COMPLETION THEREOF.

Legislative Records of the Council, xix., 324.

House Journal, pp. 127, 128, 160, 164, 171, 198, 209, 210. *Ante*, p. 491, chap. 210.

JAMES MINOT Esq<sup>r</sup> from the Comm<sup>tee</sup> of both Houses on the Petition of the Town of Easton gave in their Report,<sup>1</sup>

Read & Accepted & in as much as the Town of Easton, have by a major Vote of the Inhabitants thereof at a great Expence erected a large Meeting House, at a much more suitable Place for the Accomodation of the whole Town than any other place, proposed to the Comm<sup>tee</sup> by the Parties & have almost finished the one side of said House Therefore

*Ordered* that the Inhabitants of said Town proceed to finish said House, & that they be freed from paying anything towards the Support of M<sup>r</sup> Solomon Prentice, their Minister, unless he complies with their Vote & Desire to preach in the New Meeting House. [Passed April 13.

<sup>1</sup> This report has not been found.

## CHAPTER 273.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE PET<sup>N</sup>  
OF REHOBOTH & TAUNTON N<sup>O</sup> PURCHASES, IN REGARD TO BOUNDARY LINES, WITH NOTICE.

A PETITION of the Proprietors of the Land called Rehoboth North Purchase & Taunton North Purchase, praying that this Court would appoint a Com<sup>tee</sup> to run & settle the Boundary Lines of the said Lands according to the Agreement made in 1640, touching the said Lands, there having Differences arisen about the Same.

The Committee to whom was Referred the foregoing Petition having considered the Same are of Opinion that the Petition be Referred to the next May Session for further Consideration & that the Petitioners Serve y<sup>e</sup> Towns of Stoughton and Wrentham Respectively with Copys Threof that they Shew Cause if any they have why the prayer of the Petition Should not be Granted

April 12 1751 which is humbly Submitted  
By Order of y<sup>e</sup> Committee JOSEPH WILDER

Read and accepted and

*Ordered* That the Consideration of this Petition be referr'd to the Second Friday of the next May Session; and that the Pet<sup>r</sup>s Serve the Towns of Stoughton and Wrentham with Copies of this petition that they may then Shew Cause if any they have why the Prayer thereof Should not be granted. [Passed April 13.<sup>1</sup>

Legislative Records of the Council, xix., 320. Mass. Archives, cxvi., 89.

Mass. Archives, exvi., 46–89. House Journal, pp. 203, 210.

## CHAPTER 274.

VOTE REQUESTING THE LIEUT. GOVERNOR TO ISSUE A PROCLAMATION OFFERING A REWARD FOR THE APPREHENSION OF ROBERT HOWLAND & FOBES LITTLE.

*Voted* that His Honour the Lieutenant Governour be desired with the advice of the Council to Issue out a Proclamation<sup>2</sup> (offering a Suitable Reward) for Apprehending the Bodies of Robert Howland of Duxborough and Fobes Little of Little Compton Who are suspected of Publishing and Dispersing a Printed Paper containing sundry Expressions tending to bring into Contempt and Subvert the Constitution of this Government. [Passed\* April 13.

Legislative Records of the Council, xix., 325. Mass. Archives, cii., 582.

Mass. Archives, cii., 598. House Journal, p. 209.

## CHAPTER 275.

VOTE FOR REVIV<sup>G</sup> AND ADJOURNING THE COURT OF GEN<sup>L</sup> SESSIONS OF THE PEACE IN THE COUNTY OF PLYMOUTH.

WHEREAS by Law the Court of General Session of peace for the County of Plimouth was to be held at Plimouth In Said County on the first Tuesday of March last but by Reason of the great Snow at that Time the Justices of Said Court were prevented giving their attendance by Reason whereof s<sup>d</sup> Court has fell through whereby

Legislative Records of the Council, xix., 325. Mass. Archives, xlivi., 430. House Journal, p. 214.

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is April 9.

<sup>2</sup> Proclamation issued April 18, 1751. —Mass. Archives, cii., 598.

Province  
Laws, iii., 64,  
chap. 32.

many Inconveniencys have and may Arise within Said County It is therefore

*Voted* that Said Court of General Sessions of the Peace be and is hereby Revived and Adjourned to the Third Tuesday of May Next and all Recognizances presentments Matters and Things that Should have had Day at Said Sessions in March afores<sup>d</sup> be and hereby are Revived & Continned to the Third Tuesday of May Next and all Officers and Other persons Concearn'd therein are to take Notice thereof and Conform themselves Accordingly. [Passed April 16.]

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## CHAPTER 276.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE FOR BURN<sup>G</sup> TORN & DEFAC<sup>D</sup> BILLS OF CREDIT.

Legislative  
Records of the  
Council, xix.,  
326. Mass.  
Archives, cii.,  
596.

Mass.  
Archives, cii.,  
596. House  
Journal, p. 215.  
*Ante*, p. 470,  
chap. 153.

WE THE SUBSCRIBERS being appointed a Comm<sup>tee</sup> by the General Court to repair to the Treasurer, to take an Aecompt of the torn & defaced Bills now lying in his Hands, unfit for Service & to consume them to Ashes, have accordingly attended that Service. & have received of the Treasurer seven Thousand four hundred & seventeen Pounds Old Tenor Bills, seven hundred & twenty one Pounds Middle Tenor Bills, forty eight Thonsand & twenty three pounds one shilling & eight pence, last Emission Bills, & have seen the same consumed to Ashes,

THOMAS HUBBARD	JOHN OSBORNE
March 1 <sup>st</sup> 1750	JACOB WENDELL
JOHN TYNG	HARRISON GRAY
	ANDREW OLIVER

*Ordered* that the within Report be accepted And that the Treasurer be discharged of the Sums of Seven thousand four hundred and seventeen pounds Old tenor. Of Seven hundred and twenty one pounds Middle tenor. And forty eight thousand and twenty three pounds One Shilling and eight pence last Emission accordingly. [Passed April 16.]

## CHAPTER 277.

### ORDER CONFIRMING THE PROCEEDINGS OF TOWN MEETINGS HELD IN THE DISTRICT PARTLY IN HARDWICK AND PARTLY IN BROOKFIELD TO BE CALLED NEW BRAINTREE.

Legislative  
Records of the  
Council, xix.,  
327. Mass.  
Archives, cxv.,  
865.

Mass.  
Archives, cxv.,  
864. House  
Journal, p. 210.  
*Ante*, p. 475,  
chap. 166.

A PETITION of the Select Men of the District of Hardwic<sup>h</sup>,<sup>1</sup> shewing that there were some small Defects in point of Form, relating to the calling of the two first Meetings of said District, which disaffected Persons may take Advantage of, therefore praying that this Court would confirm the Proceedings of said Meetings.

Read and

*Ordered* that the Meetings within referd to held in said District and the doings thereof be deem'd good and valid to all intents and purposes, and that they do for the future regulate their Votes agreeable to the Rules prescribed in the Law

*Voted* also that the Said District be distinguish'd by the Name of New Braintry. [Passed April 16.<sup>2</sup>]

<sup>1</sup> Mass. Archives, cxv., 864, reads, "Hardwick."

<sup>2</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is April 17.

## CHAPTER 278.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF  
JAS<sup>S</sup> STETSON FOR A NEW TRIAL.

A PETITION of James Stetson shewing that Stephen Cruttenden recover'd Judgment against the Petitioner upon his Bond at the Superior Court of Judicature for the County of Suffolk held at Boston in August last for the Sum of £134. 11. 8 in Bills of the New Tenor, and for as much as there is a manifest Error in making up the said Jndgment, therefore praying for a new Tryal of the said Causē & that Execution may be stayed in the mean time,

Read and

*Ordered* that the Pet<sup>r</sup> serve the adverse Partie with a copy of this Pet<sup>n</sup> that He shew cause if any He hath on the Second fryday of the next May Session, why the Prayer thereof should not be granted

And Execution is stayed in the mean time Provided the Pet<sup>r</sup> give Security to the Sheriff of the County of Suffolk to pay the Sum that shall finally be adjudged due, with Interest from this time. [Passed April 17.]

Legislative Records of the Council, xix., 327. Mass. Archives, xliii., 427.

Mass. Archives, xliii., 425, 429. House Journal, p. 216.

## CHAPTER 279.

## ORDER REFERRING THE PETITION OF THE TOWN OF SUNDERLAND FOR AN ADDITIONAL GRANT OF LAND.

A PETITION of Daniel Hubbard & others a Committee for the Town of Sunderland, shewing the meanness of a great Part of their Land & Difficnlties with Respect to their Scituation; and praying for an Additional Grant of Land, lying on the North side of said Town, and that thereupon they may be divided into two distinct Parishes which their Scituation & Circumstances render necessary.

Whereas Joseph Pynchon Chairman of the Comm<sup>tee</sup> appointed to consider of the Petition of Sunderland & of the Northern Inhabitants of said Town, is possessed of sundry material Papers relating to the said Affair but by Reason of Sickness has been prevented attending this Court the present Session, therefore

*Ordered* that the Consideration of the said Petition be & hereby is refer'd to the second Thursday of the next May Session. [Passed April 17.]

Legislative Records of the Council, xix., 241, 328.

Mass. Archives, cxv., 722, 725, 726.

House Journal, pp. 89, 217. Province Laws, xii., 725, chap. 142.

## CHAPTER 280.

## ORDER REFERRING THE PETITION OF THE PROPRIETORS OF TYNGS TOWN FOR AN EQUIVALENT GRANT OF LAND.

Legislative Records of the Council, xix., 328. Mass. Archives, cxvi., 25.

Mass. Archives, cxvi., 22. House Journal, p. 216.

Province Laws, xii., 254, chap. 291.

A PETITION of William Stickney Agent for the Proprietors of the Plantation commonly call'd Tyngs Town, setting forth their unhappy Circumstances by reason of their falling within the Line of the Province of New Hampshire, & praying for an equivalent Grant of Land, within this Province.

Read and

*Ordered* that this Petition be refer'd till the next May Session for Consideration. [Passed April 17.]

## CHAPTER 281.

ORDER ALLOWING £5. 10 TO TERR<sup>E</sup> CANE.

Legislative  
Records of the  
Council, xix.,  
328. Mass.  
Archives,  
lxxiii., 765.

Mass.  
Archives,  
lxxiii., 763.  
House Jour-  
nal, pp. 106, 216.  
*Ante*, p. 276,  
chap. 37.

A PETITION of Terence Cane shewing that his Lameness & Dis-  
ability for Labour occasioned by the Wounds he received on the  
Expedition against Cape Breton still continues, & therefore pray-  
ing for further Releif from this Court.

Read and

*Ordered* that the Sum of five pounds ten Shillings be allowed by  
the Comm<sup>ee</sup> of War Two pounds ten Shillings part of said Sum  
to be paid to the Pet<sup>r</sup> for his present Support. And the remaining  
Sum of three pounds to be paid into the hands of Sam<sup>l</sup> Moody Esq<sup>r</sup>  
for the Use of the Petitioner's Wife and Children. [Passed April 17.]

Legislative  
Records of the  
Council, xix.,  
329. Mass.  
Archives, cii.,  
597.

House Jour-  
nal, pp. 25, 95,  
105 (1749);  
pp. 217, 218, 219,  
220. *Ante*,  
p. 355, chap.  
230.

## CHAPTER 282.

## ORDER ALLOWING 5/ 4 PER DIEM TO THE COMTEE ON TAXATION.

*Ordered* that the Committee appointed to proportion the Tax  
of the several Towns thrô the Province to a thousand pounds; be  
allowed five Shillings and four pence each per Day during their  
Sitting upon that Affair in the late recess of the Court. [Passed  
April 18.]

## CHAPTER 283.

Legislative  
Records of the  
Council, xix.,  
329. Mass.  
Archives, xiii.,  
233.

House Jour-  
nal, p. 220.  
*Ante*, p. 491,  
chap. 210.

ORDER DIRECTING THE CHARGE OF THE COMMITTEE ON THE EASTON  
AFFAIR TO BE PAID BY THE TOWN.

*Ordered* That the Charge of the Committee appointed to view  
the Circumstances of the Town of Easton, be born by the Said  
Town. [Passed April 18.]

## CHAPTER 284.

ORDER ALLOWING £8. 9 TO STEPH<sup>S</sup> FALES AND FURTHER DIRECTING  
THE GUARDIANS OF THE PUNCAPOG INDIANS TO RENDER THEIR  
ACCOUNT.

Legislative  
Records of the  
Council, xix.,  
329. Mass.  
Archives,  
xxxii., 123.

Mass.  
Archives,  
xxxii., 122–125.  
House Jour-  
nal, pp. 208, 217.  
Province  
Laws, xi., 113,  
chap. 295.

A PETITION of Stephen Fales shewing that Sarah Mamataug an  
Indian of Puncapaug came to his House & fell sick & died there,  
and the Petitioner was at the Expence of her Sickness & Funeral,  
accompnts whereof are herewith exhibited, Praying that this Court  
would order the Guardians of the Puncapaug Indians to discharge  
them,

Read and

*Ordered* that the Guardians of the Puncapaug Indians be and  
they hereby are directed to pay to the Pet<sup>r</sup> the Sum of Eight pounds  
Nine Shillings out of the Interest Money in their hands, if there be

a Sufficiency, if not then out of the principall for the purposes mentioned

And it is further

*Order'd* That the Said Guardians lay before this Court an accompt of their Proceedings, on the third Tuesday of the next May Session.  
[Passed April 18.]

## CHAPTER 285.

### VOTE ACCEPTING THE REPORT ON THE LAND BANK AFFAIR.

THE COMM<sup>TEE</sup> appointed to consider the Accompts of the directors of the Land Bank collectively, & also the Commissioners Accompts are of Opinion, that there is due to the Company in Land Bank Money from Sam<sup>l</sup> Watts Esq<sup>r</sup> Thirty Pounds, eleven shillings & eight pence, Coll<sup>o</sup> John Cheate, Fourteen Pounds, fourteen shillings, M<sup>r</sup> Thomas Chever One hundred Eighty eight Pounds ten shillings & eight Pence, M<sup>r</sup> Peter Chardon Ninety Seven Pounds, sixteen shillings & four pence, Robert Auchmuty Esq<sup>r</sup> Dee<sup>d</sup> Sixty two Pounds three shillings & ten pence, Col<sup>o</sup> Robert Hale One hundred twenty five Pounds one shill<sup>g</sup> & eleven pence, Samuel Adams Esq<sup>r</sup> Dee<sup>d</sup> Two hundred nineteen Pounds, five shillings & George Leonard Esq<sup>r</sup> Ten Pounds, all which amounts to seven hundred forty eight Pounds three shillings & five Pence: which Sum the said Directors & the Heirs of the Deceased ought forthwith to pay to the Commissioners, and there doth not appear to the Comm<sup>tee</sup> any further Sums to be due to them collectively. The Comm<sup>tee</sup>

Legislative  
Records of the  
Council, xix.,  
330.

Mass.  
Archives, cii.,  
599. House  
Journal,  
pp. 220, 221.  
*Ante*, p. 501,  
chap. 237.

are further of Opinion that said Directors & the Heirs of the Deceased ought to pay Forty Pounds Land bank Money each, as their Proportion with the partners of the Charge of finishing the Scheme.

The Comm<sup>tee</sup> are further of Opinion that all those Persons & their Estates who were assessed by the Commissioners, & whose Names were published in the Boston Gazettees of the 21<sup>st</sup> of August & 13 of November 1744 should be held to the Payment of that part of said Assessment, which they have not yet satisfied, & lawfull Interest from the Date of the Assessment, & Addition of Ten  $\frac{1}{2}$  Cent towards defraying the growing Charges of the Sum deficient, & that those Persons & their Estates who were assess'd, & whose Names were published in the Supplement to the Boston Evening Post of Dec<sup>r</sup> 27, 1745, should likewise be held to the payment of that Part of said Assessment which they have not discharged with lawful Interest from the Date & the Addition of five  $\frac{1}{2}$  Cent towards Charges as aforesaid

The Comm<sup>tee</sup> are further of Opinion that if after the receiving of the several Sums, by the Commissioners aforesaid & their paying unto William Stoddard Esq<sup>r</sup> Eleven Pounds, eleven shillings & seven Pence Land Bank Money due to him, there should not be a sufficiency in the Hands of the Commissioners to finish the Affair, that what future Sum shall be necessary be raised on the Directors & Partners, viz<sup>t</sup> the Partners in proportion to the Sums by them taken Out, respectively, and each Director shall be assessed in the same Proportion to the Partners, as if he had taken out Two hundred & fifty Pounds.

The Comm<sup>tee</sup> are further of Opinion that a Bill be brought in for the several Purposes aforesaid, And with Respect to the Accompts of the Commissioners the Comm<sup>tee</sup> have considered & adjusted the

Same, according to their best Judgment, a Copy of which is here-with Presented

Boston April 11, 1751 All which is humbly Submitted  
J WHEELWRIGHT per Order

In Council Read & Accepted

In the House of Represent<sup>ves</sup> Read & Concur'd & Judge Russell, Mr Trowbridge & Col<sup>o</sup> Otis with such as the Hon<sup>ble</sup> Board shall join be a Comm<sup>tee</sup> to bring in a Bill accordingly In Council Read & Concur'd & Andrew Oliver & Thomas Hutchinson Esq<sup>rs</sup> are joined in the Affair. [Passed April 19.]

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## CHAPTER 286.

### ORDER APPOINTING A COMMITTEE FOR THE SURVEY OF THE UNAP- PROPRIATED LANDS IN HAMPSHIRE COUNTY.

Legislative  
Records of the  
Council, xix.,  
331. Mass.  
Archives, vi.,  
521.

House Jour-  
nal, pp. 205, 220.

In the House of Rep<sup>ves</sup>

*Ordered* that Cap<sup>t</sup> Dwight and Col<sup>o</sup> Porter with such as the Hon<sup>ble</sup> Board shall Joyn be directed and impowered to Agree (on the easiest terms they can) with a Skilful Surveyor to take a Plan of all the unappropriated Lands in the County of Hampshire lying on the West Side of Connecticut River; and return the same to this Court as soon as may be; together with His the s<sup>d</sup> Surveyor's Judgment as to the Quality of the said Lands

In Council Read and Concur'd & Israel Williams Esq<sup>r</sup> is joined in the Affair. [Passed April 19.]

## CHAPTER 287.

### ORDER WITH STAY OF EXECUTION ON THE PETITION OF BEN<sup>A</sup> SHELDEN TO REVIEW AN ACTION.

Legislative  
Records of the  
Council, xix.,  
270, 331.

Mass.  
Archives,  
xliii., 379-384.  
House Jour-  
nal, pp. 131, 222,  
223.

A PETITION of Benjamin Shelden of Rehoboth, shewing that an Action between the Petitioner (as Surety to Preserved Alger) and Peleg Brown & Elisabeth Gridley (as Administrators of John Gridley of New Port in Rhode Island dec<sup>d</sup>) was tried at the Superiour Court for the County of Barnstable, held in July last, where Judg-  
ment was against him (by means of Some unfair Practiees as he apprehends) and Exeention is issued thereupon,) <sup>1</sup> praying that the said Execution may be stayed, upon his giving Security to pay what shall finally be recovered against him upon the Review.

Read together with the Answer of Sam<sup>l</sup> White Esq<sup>r</sup> Attorney to the adverse Party, And the matter being fully Considered

*Ordered* that the Prayer of the Petition be granted, & the Petitioner is allowed to review his Action within mentioned, at the Superiour Court of Judicature &c. to be holden at Barnstable within & for the County of Barnstable on the third Tuesday of July next, and the Justices of the said Court are impowered & directed to hear & try the Same, enter up Judgment & award Exeention therenpon accordingly. & the Execution within mentioned is staid in the meantime, PROVIDED the Petitioner within thirty days from this Time,

<sup>1</sup> Sie, as to parenthesis.

give Sufficient Security to the Sheriff of the County of Bristol, to pay what shall finally be adjudged due from him together with Lawfull Interest for the Same, from the third Tuesday of July last, untill the Day when Judgment shall be made up. [Passed April 19.]

## CHAPTER 288.

### ORDER FOR TOWN MEETINGS IN TAUNTON & FREETOWN.

WHEREAS some Doubts have arisen whether the Town meeting in the Towns of Taunton & Freetown in the month of March Last for the Choice of Town officers for the Currant Year were Carryed on in a Legal manner, whereby great Difficultys may arise without the aid & interposition of this Court: THEREFORE

*Voted*<sup>1</sup> that the Select-men of the Towns of Taunton & Freetown for the year 1750 are hereby Directed & impowered to issue their Warrants Directed to one of the Constables of sd Towns for the year 1750. To Call a Town meeting as Soon as may be to make Choice of the Several Town officers for the year Currant which Should have been Chose in the month of March Last and the Said meetings held there in the month of March Last & all the proceedings therein with respect to the Choice of Town officers are hereby Declared null & Void and in Case there should not be Select-men Qualified according to Law. to Assist in Carrying on the meeting for the Choice of Jurors for the next Sup<sup>r</sup> Court to be held for the County of Bristol that the Said Select-men for the year 1750. are hereby Directed & impowered to Assist in Carrying on Said meeting for the Choice of Jurors as afors<sup>d</sup>. [Passed April 20.]

Legislative Records of the Council, xix., 332. Mass. Archives, exvi., 6.

Mass. Archives, cxvi., 4. 5. House Journal, pp. 223, 224.

## CHAPTER 289.

### ORDER ALLOWING £2 TO JOS. JOSLYN £4 TO EPH. WHEELER £1. 15 TO EDWARD BAKER, £1. 10 TO NATHANAEL CHURCHILL.

*Ordered*<sup>2</sup> that the following Sums be allowed out of the publick Treasury to the after named Persons for Service done by ord<sup>r</sup> of the House Viz.

To Joseph Josslyn.	Two pounds
To Ephraim Wheeler.	Four pounds
To Edward Baker	One pound fifteen Shillings
To Nathanael Churchill	One pound ten Shillings
The above sums to be paid to M <sup>r</sup> Speaker for the Use of the Accomptants. [Passed April 23.]	

Legislative Records of the Council, xix., 333. Mass. Archives, cii., 604.

Mass. Archives, cii., 605, 606. House Journal, pp. 216, 222, 227, 228.

<sup>1</sup> The House Journal, p. 223, reads, “Ordered.”

<sup>2</sup> The House Journal, p. 228, reads, “Voted.”

## CHAPTER 290.

ORDER ALLOWING THE ACCOUNT OF THE GUARDIANS OF THE MASH-  
PEE INDIANS.

Legislative  
Records of the  
Council, xix.,  
333. Mass.  
Archives,  
xxxii., 128.

Mass.  
Archives,  
xxxii., 129.  
House Jour-  
nal, p. 228.

AN ACCOMPT presented by David Crocker & others Guardians of the Mashpee Indians, of Receipts & payments for them,

Read and

*Ordered* that this Accompt be allowed and that the Ball<sup>a</sup> thereof being Twenty Seven pounds Seventeen Shillings and four pence the said Guardians be further accountable for,

*Ordered* also that the said Guardian[s] be allowed thirteen Shillings and four pence each per Annum, for their Service from their appointment to this time. [Passed April 23.]

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## CHAPTER 291.

## ORDER ALLOWING £8 TO CALEB LAMPSON.

Legislative  
Records of the  
Council, xix.,  
334. Mass.  
Archives,  
lxviii., 715.

Mass.  
Archives,  
lxix., 715.  
House Jour-  
nal, pp. 92, 99,  
229.

A PETITION of Caleb Lampson Keeper of the Powder House at Charlestown shewing that he has served the Governm<sup>t</sup> in that Business for four Years past, for which he has had no Salary, praying that this Court would make him such an Allowance as is suitable to his said Office

Read and

*Ordered* that the Pet<sup>r</sup> be allowed Eight pounds per Annum for his Service within mentioned from September 24<sup>th</sup> 1746 to March 24<sup>th</sup> 1750. [Passed April 23.]

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## CHAPTER 292.

## ORDER IMPOWERING ABIGAIL SARGENT TO SELL LAND.

Legislative  
Records of the  
Council, xix.,  
334. Mass.  
Archives,  
xviii., 749.

Mass.  
Archives,  
xviii., 748–755.  
House Jour-  
nal, pp. 205, 227.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of M<sup>r</sup>s Abigail Sargent Widow of the Reverend M<sup>r</sup> John Sargent late of Stockbridge Clerk Dec<sup>d</sup> shewing that her said Husband by his last Will & Testament bequeathed all his Personal Estate to the Petitioner, & all his real Estates to his Children, making no Provision for the payment of his Debts, praying that she may be impowered to sell so much of the real Estate as may be sufficient for that Purpose.

Read and

*Ordered* that the Prayer of this Pet<sup>n</sup> be so far granted as that the Pet<sup>r</sup> be and hereby she is Impowered to make Sale of part of the real Estate of the Deceased, not exceeding the Value of two hundred pounds in order to pay off the Just Debts of the Deceased.

Provided she give proper Caution to the Judge of Probate for the County of Hampshire, that the money arising by said Sale be improved for the payment of said Debts; and that the remainder

thereof (if any there be) be improved for the Use and Benefit of the Children, of the Deceased

Provided also that the Pet<sup>r</sup> Observe the Directions of the Law relating to the Sale of Intestate Estates. [Passed April 23.

## CHAPTER 293.

ORDER ON THE PETITION OF EBENEZER SALISBURY COMMITTING HIS CAUSE DEPENDING IN BRISTOL COUNTY TO A JURY SUMMONED FROM MIDDLESEX COUNTY.

A PETITION of Ebenezer Salisbury, shewing that he has an Action depending in the Superior Court of Judicature, to be held at the Town of Taunton for the County of Bristol, in May next between him & one Joseph Cleveland, relating to Title of Land on the same Gore which is claimed by Sylvester Richmond Esq<sup>r</sup> & others, & for as much as there can not be an Impartial Jury taken out of the County of Bristol, (the Case being just the Same with Governour Belchers Case) therefore praying that the Jury to be taken out of the County of Middlesex for the tryal of Govern<sup>r</sup> Belchers Action may be impowered to try the Petitioners.

Legislative Records of the Council, xix., 318. Mass. Archives, xliii., 419.

Mass. Archives, xliii., 417. Legislative Records of the Council, xix., 334. House Journal, pp. 202, 229. *Ante*, p. 493, chap. 213.

Read And it appearing That Joseph Cleveland the adverse Party, has been Serv'd with a Copy of the petition, but no answer given in,

*Order'd* that the Justices of the Sup<sup>r</sup> Court of Judicature &a to be holden at Taunton, within and for the County of Bristol on the first Tuesday in May next, be and they hereby are impower'd and directed to commit the Cause of the Pet<sup>r</sup> to a Jury which Shall be impanell'd out of the Persons Summon'd from the County of Middlesex to try the Cause of Governour Belcher. [Passed April 23.

## CHAPTER 294.

ORDER IMPOWERING MESS<sup>RS</sup> GERRISH AND BARRELL TO ENTER AN APPEAL.

A PETITION of Joseph Gerrish & John Barrell of Boston Merchants, shewing that the Petitioners having appealed from a Judgment of the Inferior Court of Common Pleas for the County of Suffolk to the Superior Court of Judicature in Febr<sup>y</sup> last in an Action between the Petitioners & Capt John Homans the said Appeal was brought on by the Court unexpectedly to the Petitioners, when both their Attorneys were absent, and by that Means they were Non, suited, Therefore praying that they may have a Trial of their Appeal at the Superior Court to be held by Adjournment upon the 30 of May next, and that Execution on the Judgment obtained against 'em be stayed in the mean time

Legislative Records of the Council, xix., 322, 334.

Mass. Archives, xliii., 420-422. House Journal, pp. 208, 229.

Read together with the Answer of Capt John Homans, the adverse Party & the Matter being fully considered

*Ordered* that the Petitioners be & they hereby are enabled to pursue their Appeal within mentioned at the Superior Court to be held by Adjournm<sup>t</sup> at Boston within & for the County of Suffolk on the thirtieth Day of May next, and the Justices of said Court are hereby impowered & directed to admitt of the said Appeal, hear & try the

said Cause, enter up Judgment & award Execution thereupon, the Non Suit & Judgment within mentioned notwithstanding, PROVIDED the Petitioners pay the Costs hitherto sustained, & give Sufficient Security to the Sheriff of the said County, to pay what Sum shall be finally recovered as due, & also notify the said Homans of this Order fourteen days at least before the sitting of the said Court. [Passed April 24.<sup>1</sup>

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## CHAPTER 295.

### ORDER IMPOWERING THE JUSTICES OF THE SUPERIOR COURT FOR THE COUNTY OF SUFFOLK TO ADMIT WILLIAM STEWART AS A PARTY IN AN ACTION.

Legislative Records of the Council, xix., 320. Mass. Archives, xviii., 766.

Mass. Archives, xviii., 765. Legislative Records of the Council, xix., 335. House Journal, pp. 205, 206, 230.

A PETITION of Hugh M<sup>c</sup>Daniel Attorney of Rachel Rouse, shewing that the said Rachel as Administ<sup>r</sup>x of the Estate of Benjamin Call Dec<sup>d</sup> commenced several Actions against Benjamin Colman, Christopher Tilden & Nathaniel Sparhawk, and in one Action one William Stewart was included, That at the Superior Court held at Boston in Febr<sup>y</sup> 1749, the several Actions were refer'd to the three indifferent Gentlemen, who reported in favour of the said Rachel £56. 1. 7 in which Report the said Stewart was inclnded, on which the Justices refused to make np Judgment in that Manner, the said Stewart not having been served with the original Process, but for as much as the said Stewart is willing to be admitted as a Party, praying that the Judges of said Court may be impowered to make up Judgment accordingly,

Read, and it appearing that Mr Benj<sup>a</sup> Colman, Att<sup>o</sup> to William Stewart, the adverse Party, is consenting thereto,

*Order'd* That the Justices of the Superior Court of Judicature &<sup>a</sup> to be holden, by adjournment, at Boston within and for the County of Snffolk on the thirtieth day of May next be and they hereby are allow'd and impower'd to admit the Said Stewart as a Party in the Case within mentioned. [Passed April 24.

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## CHAPTER 296.

### ORDER DETERMINING FEES FOR POWDER STORED IN THE POWDER HOUSE.

Legislative Records of the Council, xix., 335. Mass. Archives, lxxiv., 9.

House Journal, p. 230.

*Ordered* that for all Powder Belonging to Merchants or other private Persons Put into the Powder House in Boston, the Keeper thereof be Directed, to take of them for the Use of the Province, Nine pence per Barrell at the Receipt thereof; and four pence, half penny per Barrell Per Month for three Months next after the first; And then three pence Per Barrell per Month, during it's Lying there, Until this Court Shall Otherwise Order. [Passed April 24.

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council and the House Journal the date is April 23.

## CHAPTER 297.

## ORDER IMPOWERING ISAAC MILLS AND NATHANIEL DEWING TO ENTER THEIR APPEALS.

A PETITION of Isaac Mills of Needham & Nathaniel Dewing of Weston, shewing that they severall[y] prosecuted their Appeal before the Lieut<sup>t</sup> Governor & Council from a Decree of the Judge of Probate for the County of Suffolk relating to the Estate of Samuel Mills deceased, but thro' their Ignorance & Mistake (the Lawyer who first undertook the Affair being Dead) they neglected to file their Reasons of Appeal in Season according to Law, by which Means the said Appeals were dismissed, Praying that this Court would enable them to claim & prosecute their Appeals anew.

Legislative Records of the Council, xix., 336. Mass. Archives, xviii., 720.  
Mass. Archives, xviii., 718. House Journal, p. 229.

Read and

*Ordered* that the Pet<sup>rs</sup> be and they hereby are Impowered to Enter their appeals within mentioned within ten days from this time, and Prosecute the same to Effect before the Governor and Council in like manner as though the Same had been Entred within three Months after the appeals aforesaid were severally Claim'd.

Provided the Pet<sup>rs</sup> serve the Appellee William Mills with a Copy of this Order fifteen days at least before a Tryal be had on the Appeals aforesaid, or either of them. [Passed April 24.

## CHAPTER 298.

## ORDER DIVIDING THE COST OF REPAIRS TO THE TOWN-HOUSE IN BOSTON.

WHEREAS the Charge of building the Town-house in Boston was by the General Court ordered to be paid one half by the Province, one Quarter part thereof by the Town of Boston, and the other Quarter part by the County of Suffolk; and it has been Resolved by the General Court, that the said Town and County shall pay the same proportion in the late Repairs thereof the whole Charge of which Repairs amounts to thirty seven hundred five pounds eleven shillings and four pence lawful Money:

Legislative Records of the Council, xix., 337. Mass. Archives, cxvi., 28.

Mass. Archives, cxvi., 29. House Journal, pp. 40, 80, 231, 232. *Ante*, p. 107, chap. 270; p. 110, chap. 276.

Wherefore

*Ordered*, that the Town of Boston aforesaid, pay into the Province Treasury nine hundred twenty six pounds seven shillings and ten pence, being one Quarter part of the Charge of said Repairs, and that the County of Suffolk pay into the Province Treasury Nine Hundred Twenty Six Pounds Seven Shillings and ten pence being also one Quarter part of the Charge of Said Repairs and the Province Treasurer is hereby ordred and Directed to proportion the Sum of Nine Hundred Twenty Six Pounds Seven Shillings and ten pence to and Among the Towns in the County of Suffolk According to the proportion which Each Town in Said County bear one to the Other in the present Valuation and the Said Treasurer is further

*Ordered* to Give out his Warrant to the Assessors of the Town of Boston for the Year 1751 requiring them to Assess the Sum of Nine Hundred Twenty Six Pounds Seven Shillings and ten pence

on the polls and Estates in Said Town of Boston According to the Direction of the present Valuation and also to give out his Warrants to the Assessors of the Several Towns in Said County of Suffolk requiring them to Assess on polls and Estates in their Respective Towns their proportionable parts of the Said Sum of Nine Hundred and Twenty Six Pounds Seven Shillings and ten pence by the Same Rule aforesaid and the Said Treasurer and the Assessors aforesaid and the Collectors and Constables to whome The Assessment for the Tax aforesaid Shall be Committed be and hereby are fully impowered and Directed to Act in their Respective offices for the Enforcing the payment of Said Sums into the Province Treasury on or before the last Day of December Next in all Respects as by the Law of this Province Said officers are impowered to do for the Enforcing the payments of Province Taxes. [Passed April 25.]

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## CHAPTER 299.

### ORDER IN REGARD TO THE REDEMPTION OF CAPTIVES TO BE BROUGHT FROM CANADA.

Legislative Records of the Council, xix., 337. Mass. Archives, cviii., 414.

Mass. Archives, cviii., 415. Legislative Records of the Council, xix., 324. House Journal, p. 232.

JACOB WENDELL Esq<sup>r</sup> from the Comm<sup>tee</sup> appointed to consider his Honour's referring to the Redemption of the Captives, gave in their Report

Read and not accepted and

*Ordered* that the Secretry be directed to write to the Relations of the Captives in Canada, Advising them of the probability that said Captives will be brought to Crown Point some time in the next Month, that so the said Relations may make provision for the Redemption of said Captives. [Passed April 25.]

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## CHAPTER 300.

### ORDER REFERRING THE PETITION OF CAPT JNO WENDELL IN REGARD TO PROVINCE BOUNDS.

Legislative Records of the Council, xix., 338. Mass. Archives, vi., 530.

Mass. Archives, vi., 525, 528; cvy., 668. Legislative Records of the Council, xix., 302. House Jour-

nal, pp. 126, 130, 132, 143, 174, 232, 233. *Ante*, p. 423, chap. 37; p. 448, chap. 99.

ON THE PETITION of Capt John Wendell [*ante*, p. 423, chap. 37]

*Ordered* That the Consideration of this Affair be further referr'd to next May Session; and all Strip & Waste on the Land within mention'd are strictly forbidden, and all Processes in the Law are staid in the mean time: And whereas, by Reason of the Courts Interposition in the Affair, The Time, by Law limited for Reviews, may be lapsed, and other Process, which the Parties were intitled to, prevented, which unless aided by this Court, may prove greatly injurious to them, Therefore further

*Ordered* That neither of the Parties shall be prejudiced by such Interposition; But that, for the Space of six Months from the final Determination of this Court on the affair, they be & hereby are allowed all such Process & Pleas as they would have had before the Court interposed. [Passed April 25.]

## CHAPTER 301.

ORDER IN REGARD TO ISSUING SMALL BILLS OF CREDIT AND FOR  
CONVERTING PISTARS &c. INTO SPANISH MILLED DOLLARS.

WHEREAS by Order of this Court three thousand Pounds in small Bills suitable for Change were struck off & lodged in the Treasury the greatest Part thereof remains there, which some Persons may be desirous of taking in Lieu of y<sup>e</sup> Silver, that they may be intitled to receive out of the Treasury, pursuant to an Aet made & passed in the twenty second Year of his present Majestys Reign entitled an Act for drawing in the Bills of Credit of the several Denominations which have at any time been issued by the Governm<sup>t</sup> and are still outstanding, and for ascertaining the Rate of coined Silver in this Province for the future. therefore

*Ordered* that the Province Treasurer deliver out the Remainder of these Bills to such Persons as desire to receive the same, in lieu of the Silver they are intitled unto or to such Persons as will give Spanish Mill'd Dollars in Exchange for the same, and that the Dollars & other Silver, that the Bills shall be delivered out in lieu of, or exchanged for remain in the Treasury as a Fund or Security for the redemption of such Bills, and that any Person possessed of Six Shillings in those Bills may upon delivery thereof to the Province Treasurer receive of him Six shillings of the said Silver therefor, & he is hereby Ordered to exchange the same accordingly.

And whereas there is a Number of Pistareens & other small Peices of Silver of a baser Kind in the Hands of the Treasurer

*Ordered* that he use his best discretion in converting the same into Spanish mill'd Dollars for the best Advantage of the Province.  
[Passed April 26.]

Legislative  
Records of the  
Council, xix.,  
339.

House Jour-  
nal, p. 235.  
Province  
Laws, iii., 430,  
chap. 15. *Ante*,  
p. 358, chap.  
237.

## CHAPTER 302.

ORDER WITH STAY OF EXECUTION ON THE PET<sup>N</sup> OF EDW<sup>D</sup> HUTCH-  
INSON, ESQ.

A PETITION of Edward Hutchinson Esq<sup>r</sup> Judge of the Probate of Wills for the County of Suffolk. shewing that at the Desire of Ephraim Wheeler of Boston he put in Suit the Bond of the Administr<sup>r</sup> of his Fathers Estate upon Suggestion of Wast Committed. In which Suit Judgment was given for the Defendants, & the Charge thrown upon the Petitioner praying that an Act may be pass'd by this Court for obliging the Persons at whose request such Bonds are sued to bear that Charge, or that the Petitioner may be otherwise releived.

In Council; Read, And it appearing that the adverse Party has been served with a Copy of this Petition, but no Answer given in,

*Ordered* that the Execution therein refer'd to, be stayed until the next May Session; & that Francis Foxcroft Esq<sup>r</sup> with such as the Hou<sup>ble</sup> House shall join, be a Committee to prepare the Draught of a Bill for the Purposes in the said Petition mentioned, & make Report at the Beginning of the said Session.

In the House of Rep<sup>bes</sup>

Read and Coneurd and M<sup>r</sup> Trowbridge & Judge Russell are Joyned in the Affair. [Passed April 26.]

Legislative  
Records of the  
Council, xix.,  
295. Mass.  
Archives,  
xviii., 686.

Mass.  
Archives,  
xviii., 684.  
Legislative  
Records of the  
Council, xix.,  
339. House  
Journal,  
pp. 168, 173, 235.

## CHAPTER 303.

Legislative  
Records of the  
Council, xix.,  
339. Mass.  
Archives,  
lxxiv., 10.

House Jour-  
nal, p. 234.

VOTE FOR POSTING A HOUSE CARPENTER AND MASON AT CASTLE WIL-  
LIAM.

*Voted* that an Establishment be made for a House Carpenter and Mason to be Posted at Castle William at forty Shillings per Month each for one Year in the room of two private Centinels. [Passed April 26.]

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Legislative  
Records of the  
Council, xix.,  
982. Mass.  
Archives,  
lxxxviii., 12.

Legislative  
Records of the  
Council, xix.,  
292. House  
Journal, p. 236.  
*Aute*, p. 492,  
chap. 212.

ORDER IN REGARD TO LOTTERY TICKETS PURCHASED BY MEMBERS  
OF THE GREAT AND GENERAL COURT.

*Ordered* that the Managers of the Lottery be directed to receive from the Members of the General Court Orders upon the Treasurer for the sums of Money due to them for their Attendance &c (or any part thereof) for any Tickets which they shall purchase. [Passed April 26.]

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## CHAPTER 305.

ORDER ON THE PET<sup>N</sup> OF ISAAC ROYAL AND OTHERS OF STOUGHTON  
TO BE SET OFF TO THE TOWN OF WALPOLE.

Legislative  
Records of the  
Council, xix.,  
323, 340. Mass.  
Archives, cxv.,  
58.

House Jour-  
nal, pp. 207, 227,  
228, 231, 233, 234,  
236.

A PETITION of Isaac Royall Esq<sup>r</sup> Ebenez<sup>r</sup> Robins & others, some Proprietors, & others Inhabitants of Lands in the Town of Stoughton, setting forth the great Difficulties they are under, by reason the distance their Lands are at from the School & Place of Publick Worship, in Stoughton, & praying that their Estates may be sett off to the Town of Walpole,

Read and accepted, and the Pet<sup>rs</sup> and their Estates are Set off to the Town of Walpole, so far as respects the ministry and School, until this Court Shall otherwise order; and that in the mean time, the Pet<sup>rs</sup> and their Estates be exempted from paying any thing towards the Support of the ministry, and School in the Town of Stoughton, and the assessors of the Town of Walpole are impowered to assess the Pet<sup>rs</sup> and their Estates towards the charge of the ministry and School in Said Walpole and the Collectors to collect Such assessment accordingly. [Passed April 26.]

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## CHAPTER 306.

VOTES DIRECTING THE RETURN OF THE EXECUTIONS AGAINST THE  
CONSTABLES OF ATTLEBORO AND SWANZEY.

Legislative  
Records of the  
Council, xix.,  
340.

WHEREAS there is now in the hands of the Sheriff of the County of Bristol sundry Executions against Defective Constables in the Towns of Attleboro & Swansey, viz<sup>t</sup> against Benjamin Brown, John

Robins, John Sweetland & Jeremiah Bartlet, John French, Henry Jos- Mass.  
selyn, Ebenezer Tyler, Obadiah Fuller, William Wolcott, Benjam<sup>n</sup> Archives, cii.,  
Day, Solomon Smith, John Weeks, Caleb Hall, Benjamin Wise, 612. House  
Thomas Sweet, John Titns, Noah Robinson, & Jonathan Freeman, Journal, p. 233.  
all of Attlebor<sup>o</sup> & Andrew Cole, Charles Mason, David Wood & Ante, p. 208,  
Ephraim Salisbury, all of Swansey & the Taxes in their Hands for chap. 187;  
which they are now in Arrear & have not paid in & accounted for, p. 245, chap.  
is against those who were taken in to Rhode Island Government, by 294.  
the late runing of the Line, therefore

*Voted* that the Sheriff of the County of Bristol be & hereby is directed to return into the Treasurers Office the Executions that are in his Hands, against the aforesaid Constables, and that the issuing any other Executions against the said Constables for the Taxes aforesaid, be suspended untill the further Order of this Court.  
[Passed April 26.]

## CHAPTER 307.

### RESOLVE CONSTRUING THE ACT IN ADDITION TO THE ACT FOR DRAWING IN BILLS OF CREDIT, ETC.

*Resolved* that it is the true Intent & Meaning of the Act pass'd in the present Session of the General Court, intitled an Act in further Addition to the Act for drawing in the Bills of Credit of the several Denominations which have at any time been issued by this Governm<sup>t</sup> & are still outstanding, & for Ascertaining the Rate of coined Silver in this Province for the future, that not only such Orders, as may hereafter be given upon the Treasurer, by the Com<sup>tee</sup> for exchanging the Bills, but also such Orders as are already given, & are not yet discharged shold be receiv'd into the Treasury in Payment of the Taxes already due, & that such of said last mentioned Orders as shall not be paid in for Taxes, should be paid off by the Treasurer according to the Priority of the Dates, before any of the Orders that may be hereafter given, & the Treasurer of the Province & all others concerned are to govern themselves accordingly. [Passed April 27.]

Legislative Records of the Council, xix., 341. Mass. Archives, cii., 616.

House Journal, p. 236. Province Laws, iii., 554, chap. 24.

## CHAPTER 308.

### RESOLVE DIRECTING THE TREASURER TO RESERVE SILVER FOR THE REDEMPTION OF THE SMALL BILLS OF CREDIT.

*Resolved* that the Treasurer be directed to retain in the Treasury somuch only of the Silver contain'd in the three Chests that were Ordered to remain in the Treasury, as a Fund & Security to redeem the three thousand pounds. in small Bills struck off the<sup>1</sup> in the Year 1749 as shall be Sufficient to Redeem those Bills that have been delivered out of the Treasury. [Passed April 27.]

Legislative Records of the Council, xix., 341. Mass. Archives, cii., 613.

House Journal, p. 236. Ante, p. 358, chap. 237.

<sup>1</sup> *Sic.*



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RESOLVES, ORDERS, VOTES,  
ETC.

PASSED 1751-52.



# LEGISLATIVE LIST<sup>1</sup>

FOR

1751-52.

THE HONORABLE SPENCER PHIPS, Esq., LIEUT. GOVERNOR,  
CAPTAIN-GENERAL AND GOVERNOR-IN-CHEIF, ETC.

JOSIAH WILLARD, Esq.,

SECRETARY OF THE PROVINCE.

## COUNCILLORS OR ASSISTANTS.<sup>2</sup>

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of the Massachusetts Bay;*

JOHN OSBORNE	} Esqrs.	WILLIAM FOYE	} Esqrs.
EZEKIEL LEWIS		JOHN GREENLEAF	
FRANCIS FOXCROFT		SAMUEL WATTS	
JOSIAH WILLARD		JOHN QUINCY	
JACOB WENDELL		JOHN CHANDLER	
JOSEPH WILDER		EZEKIEL CHEVER	
BENJAMIN LYNDE		JOSEPH PYNCHON	
DANIEL RUSSELL		ANDREW OLIVER	
SAMUEL DANFORTH		THOMAS HUTCHINSON	

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of New Plimouth;*

JOHN CUSHING	} Esqrs.	GEORGE LEONARD	} Esqrs.
SYLVANUS BOURN		JOHN OTIS	

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Province of Mayne;*

SIR WILLIAM PEPPEREL, BARONET, JEREMIAH MOULTON & JOHN HILL, Esqrs.

*Of the Inhabitants of or Proprietors of Lands within the Territory lying between the River of Sagadahock & Nova Scotia;*

JOHN WHEELWRIGHT, Esq.

<sup>1</sup> See Legislative Records of the Council, xix., 342-345.

<sup>2</sup> Isaac Royall, Councillor for the Province at large, elected by the House of Representatives, was rejected by the Governor.—House Journal, p. 7.

*For the Province, at large:*—

JAMES MINOT & ISAAC ROYALL, ESQRS.

## REPRESENTATIVES OR DEPUTIES.

*May 29, 1751 to April 7, 1752.*

MR. THOMAS HUBBARD, SPEAKER.

### COUNTY OF SUFFOLK.

Boston, . . .	James Allen, Esq.,
	Thomas Hubbard, Esq.,
	Mr. John Tyng,
	Mr. Harrison Gray.
Roxbury, . . .	Joseph Heath, Esq.
Dorchester, . . .	Mr. Thomas Trott.
Braintree, . . .	Joseph Crosby, Esq.
Hingham, . . .	Mr. Jacob Cushing.
Dedham, . . .	Mr. Joseph Ellis.
Medfield, . . .	Mr. Ephraim Cheney.
Wrentham, . . .	Mr. John Goldsbury.
Stoughton, . . .	John Shephard, Esq.
Needham, . . .	John Fisher, Esq.

### COUNTY OF ESSEX.

Salem, . . .	Mr. John Leach,
	Mr. Daniel Gardner.
Ipswich, . . .	Francis Coggswell, Esq.
Newbury, . . .	Mr. Richard Kent.
Marblehead, . . .	Mr. John Bailey.
Audorer, . . .	Capt. Joseph Frie.
Beverly, . . .	Capt. Henry Herrick.
Rowley, . . .	Capt. John Northend.
Salisbury, . . .	Mr. Abraham Morrell.
Haverhill, . . .	Capt. John Hazzleton. <sup>1</sup>
Glocester, . . .	Mr. William Parsons.
Amesbury, . . .	Mr. Isaac Merrill.
Boxford, . . .	Mr. Jonathan Foster.
Topsfield, . . .	Mr. David Balch.
Braelford, . . .	Capt. Benjamin Millakin.

### COUNTY OF MIDDLESEX.

Cambridge, . . .	Andrew Boardman, Esq.,
	Edmund Trowbridge, Esq.
Charlestown, . . .	Isaac Royall, Esq.
Watertown, . . .	Mr. John Hunt.
Concord, . . .	Chambers Russell, Esq.

### COUNTY OF MIDDLESEX — Concluded.

Woburn, . . .	Mr. Edward Walker.
Reading, . . .	Capt. Thomas Eaton.
Newton, . . .	Mr. Robert Murdock, Jr.
Sudbury, . . .	Mr. Samuel Paris.
Marlborough, . . .	Mr. Samuel Wit.
Billerica, . . .	Mr. William Stickney.
Framingham, . . .	Joseph Buckminster, Esq.
Lexington, . . .	Capt. Benjamin Read.
Chelmsford, . . .	Capt. Ephraim Spaulding.
Groton, . . .	William Lawrence, Esq.
Malden, . . .	Joseph <sup>2</sup> Bucknam, Esq.
Weston, . . .	Mr. Abijah Upham.
Medford, . . .	Mr. Stephen Hall, Jr.
Waltham, . . .	Capt. Samuel Livermore.

### COUNTY OF HAMPSHIRE.

Springfield, . . .	John Worthington, Esq.
Northampton, . . .	Joseph Hawley, Esq.
Hadley, . . .	Eleazer Porter, Esq.
Hatfield, . . .	Oliver Partridge, Esq.
Westfield, . . .	Mr. Eldad Taylor.
Brinfield, . . .	Mr. Thomas Stebbins.
Sheffield, . . .	David Ingersol, Esq.

### COUNTY OF WORCESTER.

Worcester, . . .	Benjamin Flag, Esq.
Laneaster, . . .	Joseph Wilder, Jr., Esq.
Brookfield, . . .	Joseph Dwight, Esq.
Leicester, . . .	Thomas Steel, Esq.
Rutland, . . .	Mr. John Murray.
Lunenburg, . . .	Mr. William Down.
Shrewsbury, . . .	Nahum Ward, Esq.
Oxford, . . .	Ebenezer Learned, Esq.
Harvard, . . .	Capt. Jonathan Witney.
Bolton, . . .	Mr. John Wetcomb.
Sturbridge, . . .	Mr. Moses Marcy.

<sup>1</sup> The House Journal, p. 4, reads, "Capt. Philip Hasleton;" Essex County History, vol. ii., p. 2052, reads, "John Haseltine."

<sup>2</sup> Middlesex County History, vol. iii., p. 475, gives the name as "Joses Bucknam."

## COUNTY OF PLIMOUTH.

*Plimouth*, . . Edward Winslow, Esq.  
*Plympton*, . . Mr. George Briant.  
*Scituate*, . . Mr. Ensign Otis.  
*Bridgewater*, . . Capt. Josiah Edson.  
*Marshfield*, . . John Little, Esq.  
*Pembroke*, . . Mr. Israel Turner.  
*Duxbury*, . . Gamaliel Bradford.  
*Middleborough*, Peter Oliver, Esq.  
*Rochester*, . . Mr. Samuel Wing.  
*Kingston*, . . Mr. Joseph Mitchel.  
*Hanover*, . . David Stockbridge, Esq.

## COUNTY OF BARNSTABLE.

*Barnstable*, . . James Otis, Esq.  
*Sandwich*, . . Timothy Ruggles, Esq.  
*Yarmouth*, . . Mr. Joseph Hall.  
*Eastham*, . . Mr. John Freeman.

## COUNTY OF BRISTOL.

*Taunton*, . . . Samuel White, Esq.  
*Rehoboth*, . . . Mr. Nathaniel Smith.  
*Dartmouth*, . . . Capt. Nathaniel Sole.  
*Norton*, . . . Ephraim Leonard, Esq.  
*Attleborough*, . . . Mr. Benjamin Day.  
*Swanzey*, . . . Mr. William Stead.<sup>1</sup>  
*Dighton*, . . . Mr. William Smith.

## COUNTY OF YORK.

*York*, . . . Capt. Thomas Bragdon.  
*Kittery*, . . . Mr. John Dennet.  
*Berwick*, . . . Mr. William Gerrish.  
*Wells*, . . . Mr. Nathaniel Wells.  
*Falmouth*, . . . Jabez Fox, Esq.  
*North Yarmouth*, Jeremiah Powell, Esq.

## IN THE COUNTY OF NANTUCKET.

*Sherburn*, . . . Mr. Abishai Folger.

<sup>1</sup> The House Journal, p. 4, reads, "Mr. William Slead;" the Bristol County History, p. 656, reads, "William Slade."



# RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-NINTH DAY OF MAY, A.D. 1751.

## CHAPTER 1.

### ORDER ACCEPTING THE ACCOUNT OF THE TREASURER OF WORCESTER COUNTY.

AN ACCOMPT presented by Daniel Howard Esq<sup>r</sup> Treasurer of the County of Worcester for the Year 1750, having been laid before the Court of General Sessions of the Peace for the said County & by them allowed,

Read and

*Ordered* that the within Account be allowed and that the Ballance thereof being thirty three pounds Nine pence half penny Lawful Money; as also the Sum of Twenty one pounds Nineteen Shillings and eleven pence New Tenor (so called) laid on the Town of Woodstock 1748 and 1749. And the further Sum of Nine pounds fifteen Shillings and Eight pence Lawful Money laid on said Town 1750, which two last sums the said Treasurer is likewise to Account for, as He shall recieve the same or any part thereof. [Passed June 1.

Legislative Records of the Council, xix., 348. Mass. Archives, cxxviii., 4.

Mass. Archives, cxxviii., 4. House Jour- nal, pp. 10, 11.

## CHAPTER 2.

### ORDER ACCEPTING THE ACCOUNT OF THE TREASURER OF PLYMOUTH COUNTY.

AN ACCOMPT presented by Edward Winslow Esq<sup>r</sup> Treasurer of the County of Plymouth for the Year 1750 having been laid before the Court of General Sessions of the Peace for the said County & by them allowed,

Read & Accepted &

*Ordered* that the Ballance thereof being Eighty six Pounds fourteen shillings & four pence the said Treasurer is further accountable for. [Passed June 1.

Legislative Records of the Council, xix., 348.

House Jour- nal, pp. 10, 11.

## CHAPTER 3.

### ORDER ACCEPTING THE ACCOUNT OF THE TRUSTEES OF THE HASSANAMISCO INDIANS.

AN ACCOMPT presented by John Chandler, John Jones & Edward Baker Esq<sup>s</sup> Trustees of the Hassanamisco Indians, containing their Receipts of the said Indians Money, & their payments & Disbursements for them,

Legislative Records of the Council, xix., 349. Mass. Archives, xxxii., 117.

Mass.  
Archives,  
xxxii., 116.  
House Jour-  
nal, p. 11.  
Province  
Laws, xiii., 326,  
chap. 227.

Read and

*Ordered* that the above Acct<sup>t</sup> be accepted and that the Ballance thereof being three pounds and Six pence three farthings Interest Money, the said Trustees be further Accountable for. [Passed June 1.<sup>1</sup>

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## CHAPTER 4.

### ORDER INSTRUCTING THE COMMITTEE APPOINTED TO EXCHANGE BILLS OF CREDIT.

Legislative  
Records of the  
Council, xix.,  
349.

House Jour-  
nal, p. 15.  
*Ante*, p. 369,  
chap. 265.

*Ordered* that the Comm<sup>tee</sup> appointed to exchange the Bills of Credit of the Province for Silver &c. be directed to sit & give Certificates for the Bills they have in their Hands, and that they receive the Bills of all those Persons, who have here to fore offered them for exchange or whose Names are enter'd with said Comm<sup>tee</sup> & give Certificates therefor agreeable to the Directions of the Act passed the last Session of the Court for that Purpose, Provided the Bills be lodged with the Comm<sup>tee</sup> on or before the twelfth Instant. [Passed June 4.

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## CHAPTER 5.

### RESOLVE AND ORDER PROVIDING FOR THE TRANSPORTATION TO MARYLAND OF CERTAIN PERSONS ARRESTED UNDER SUSPICION OF HAVING COMMITTED MURDER IN THAT PROVINCE.

Legislative  
Records of the  
Council, xix.,  
350. Mass.  
Archives,  
civili., 434.

Mass.  
Archives,  
civili., 420-433.  
House Jour-  
nal, pp. 16, 17.

THE SECRETARY carried down the following Message from his Honour the Lieut<sup>t</sup> Governo<sup>r</sup> to the House of Represent<sup>ves</sup> viz<sup>t</sup>

Gentleman of the House of Represent<sup>ves</sup> During the Recess of the Court two Persons were taken up in the County of York, on suspicion of being guilty of a most barbarous Murther in the Province of Maryland, & upon the Confession of one of them, were committed to Prison in the County of York: And with the Advice of His Majestys Council I ordered them to Boston, with an Intent to cause them to be transported to the Government where the Fact was committed, and I am informed that a Vessel is now bound thither the Master of which is willing to take them aboard, if he can have a snitible Consideration therefor, As the General Court is now sitting & this Affair will be attended with some Charge, I think it convenient to acquaint you therewith, that you may consider thereof, & come into such Resolutions thereon as you shall find it necessary.

The House entred into the consideration of His Hon<sup>r</sup>s Mess<sup>a</sup> respecting two Persons apprehended in the County of York on Suspicion of their being guilty of a Most barbarous Murther in the Province of Maryland; which Persons by Order have been transported to Boston, and are now in His Maj<sup>e</sup>s Goal there. And after a Debate

*Resolved* that His Hon<sup>r</sup> the Lieut<sup>t</sup> Gov<sup>r</sup> be desired to give Order that the said Persons (as soon as may be) be transported to the Province of Maryland in order for their Tryal; and that the Examination taken, and papers relating thereto now lying before this

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is June 4.

Court, be transmitted to the Authority there, after they are properly Authenticated.

*Ordered* also that the Commissary Gen<sup>1</sup> be directed on the easiest terms He can to Contract with the Master of the first Vessell bound to Maryland to transport the said Persons there, And that He write to the Secretary of the said Province, desiring that the said Contract may be discharged by said Government. [Passed June 5.

## CHAPTER 6.

### VOTE IMPOWERING A TOWN MEETING TO BE CALLED AT BERKLEY.

A PETITION of the Select Men of the Town of Berkley for the last Year in behalf of said Town shewing that by Reason of the Difficulties attending the Choice of Town Officers, referring to the Oath lately enjoined, the Anniversary Meeting of said Town in March last, broke up without appointing Officers for the present Year praying that they may be allowed another Meeting of the Inhabitants for settling their Officers.

*Voted*<sup>1</sup> that the Select men of the Said Town of Berkley for the year 1750. are hereby Directed & impowered to issue their Warrant to the Constable of Said Town for the year 1750 to Call a Town meeting as Soon as may be to make Choice of the Several Town officers for the year Currant which Should have been Chose in the month of March Last and the Said Town officers. when Chosen shall be as much obliged (to all intents & purposes) to Serve in the Said offices to which they Shall be respectively Chosen as tho' they had been Chosen in the month of March Last. [Passed June 6.<sup>2</sup>

Legislative Records of the Council, xix., 349. Mass. Archives, cxvi., 106a.

Mass. Archives, cxvi., 106. House Journal, pp. 15, 18.

## CHAPTER 7.

### ORDER ON THE MEM<sup>O</sup> OF THO<sup>S</sup> HUTCHINSON, ESQ<sup>R</sup>, AND VOTE THAT THE PROVINCE AGENT BE ACCOUNTABLE FOR THE AMOUNT MENTIONED.

A MEMORIAL of Thomas Hutchinson Esq<sup>r</sup> shewing that in the Year 1741 when He left England he committed the Care of certain Affairs relating to the Lands taken out of this Province (and by a new Line run,) set over to New Hampshire to Eliakim Palmer Esq<sup>r</sup> of London now Dec<sup>d</sup> to whom was remitted one Hundred Pounds Sterling by this Governm<sup>t</sup> for the Charges of prosecuting said Affair, that upon the Death of the said Mr Palmer it was found he had expended in that Service, No more than the Sum of Seven Pounds, and the remainder of the said £100 is Loged in the Hands of Mr Agent Bollan, praying that the Memorialist as well as the Heirs of Mr Palmer may be discharged of said Money.

Legislative Records of the Council, xix., 351. Mass. Archives, cii., 621.

Mass. Archives, cii., 619. House Journal, pp. 14, 15, 17, 18. Province Laws, xiii., 289, chap. 125.

Read and

*Ordered* that the Prayer of this Memorial be granted.

And that the Memorialist and the Heirs of the late Eliakim Palmer Esq<sup>r</sup> be and they hereby are discharged of Ninety three pounds Sterling accordingly.

<sup>1</sup> The House Journal reads, “*Ordered*.”

<sup>2</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is June 5.

And forasmuch as it appears that William Bollan Esq<sup>r</sup> Agent for this Province has received the said Ninety three pounds

*Voted* that the said M<sup>r</sup> Bollan be accountable for the said Sum. And that the Treasurer be and he hereby is directed to remit to the said M<sup>r</sup> Bollan no more than Seven pounds (part of the hundred pounds Sterling, granted to the said M<sup>r</sup> Bollan for the said purpose) until the further Order of this Court. [Pussed June 6.]

## CHAPTER 8.

### ORDER CONFIRMING THE PROCEEDINGS OF A TOWN MEETING AT BERWICK.

Legislative Records of the Council, xix., 351. Mass. Archives, cxvi., 45.

Mass. Archives, cxvi., 43. House Journal, pp. 13, 14, 18.

A PETITION of the Select Men of the Town of Berwick shewing that by reason of the many Adjournm<sup>ts</sup> of their Anniversary Meeting in March last, some Persons have called in Question the Legality of their Elections, & other Proceedings on said Adjournments, praying for relief from this Court.

Read and

*Ordered* that the Prayer of this Pet<sup>n</sup> be so far granted as that the several Votes herein mentioned relating to the Choice of Town Officers be and hereby are confirmed

And that the said Town officers be and they hereby are as much Obliged (to all intents and purposes) to Serve in the respective Offices to which they were Chosen as though they had been Chosen in the Month of March last. [Passed June 6.]

## CHAPTER 9.

### VOTE IMPOWERING A TOWN MEETING TO BE CALLED AT WAREHAM.

Legislative Records of the Council, xix., 351. Mass. Archives, cxvi., 105.

Mass. Archives, cxvi., 103. House Journal, p. 18.

A PETITION of the Select Men of the Town of Wareham in behalf of said Town setting forth their Difficulties in settling Town Officers at their last March Meeting which broke up without finishing that Work praying that they may be allow'd another Meeting for transacting those Matters

[Read and]

*Voted* that the Select-men of the S<sup>d</sup> Town of Wareham for the year 1750. are hereby Directed and impowered to issue their Warrant to the Constable of said Town for the year 1750. to Call a Town meeting as Soon as may be to make Choice of the Seueral Town officers for the year Currant which Should haue been Chose in the month of March Last and the Said Town officers when Chosen shall be as much obliged (to all intents & purposes) to Serue in the said offices to which they Shall be respectively Chosen as thô they had been Chosen in the month of March Last. [Passed June 6.]

## CHAPTER 10.

### ORDER OF NOTICE ON THE PETITION OF BENJ. BARNES IN REGARD TO A LAPSED DEVISE.

Legislative Records of the Council, xix.,

A PETITION of Benjamin Barnes of Plimouth shewing that his Father William Barnes (now deceased) by Will, bequeathed part

of his real Estate to his Son, Lemuel Barns who died some short time before his Father, and for as much as it was evidently the Intention of the said William, that the Children of the said Lemuel should have the Benefit of said Land after their Fathers decease (tho' not expressed in the Will) praying that they may enjoy the said Land accordingly

<sup>352.</sup> Mass.  
Archives,  
xviii., 786.

Mass.  
Archives,  
xviii., 784, 788,  
791. House  
Journal, p. 1s.

Read and

*Ordered* that the Pet<sup>r</sup> serve Mercy Hedge with a copy of this Pet<sup>n</sup> that She shew cause if any she hath on the first fryday of the next Sitting of this Court why the Prayer thereof should not be granted.<sup>1</sup>

[Passed June 6.]

## CHAPTER 11.

### ORDER REFERRING THE PET<sup>N</sup> OF TAUNTON N<sup>O</sup> PURCHASE.

Legislative  
Records of the  
Council, xix.,  
352.

ON THE PETITION of Taunton North Purchase &c. [*ante*, p. 517,  
chap. 273]

Mass.  
Archives,  
xvi., 89.  
House Jour-  
nal, p. 22.  
*Ante*, p. 517,  
chap. 273.

Read &

*Ordered* that this Petition & the Answers be refer'd to the second Tuesday of the next Sitting of the General Court for Consideration.

[Passed June 7.]

## CHAPTER 12.

### ORDER APPOINTING A COMMITTEE FOR SURVEY<sup>G</sup> UNAPPROPRIATED PROVINCE LANDS WEST OF CONNECT<sup>T</sup> RIVER.

Legislative  
Records of the  
Council, xix.,  
353. Mass.  
Archives,  
xvi., 233.

In the House of Rep<sup>ues</sup>

*Ordered* that Col<sup>o</sup> Otis and Judge Russell with such as the Hon<sup>ble</sup> Board shall Joyn be a Committee to agree with a Skilful Surveyor to Survey and take a Plan of all the Unappropriated Lands of the Province lying West of Connecticut River.

House Jour-  
nal, p. 19.  
*Ante*, p. 522,  
chap. 286.

Also to Consider the Value of the said land, and make report to this Court thereon as soon as may be.

In Council Read & Concurred & John Chandler Esq<sup>r</sup> is joined in the Affair. [Passed June 7.]

## CHAPTER 13.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE LIGHT HOUSE, AND APPOINTING A COMMITTEE TO MAKE REPAIRS THEREON.

Legislative  
Records of the  
Council, xix.,  
353. Mass.  
Archives,  
xix., 438.

THE COMM<sup>TEE</sup> appointed to Consider His Honours Message respecting the Light House have attended the Service, and find that in Consequence of Directions from his Honour the Lieut<sup>t</sup> Govern<sup>r</sup> & the Council in the Recess of the Court & by reason of the Necessity of the Thing, the Floors have been put in anew & steps carried up to the Top of the building from whence is now shown a Light in a Ship, Lanthorne & the Comm<sup>tee</sup> are humbly of Opinion that in Order to secure the Building as much as may be from Fire, it will

Mass.  
Archives,  
xix., 437.  
Legislative  
Records of the  
Council, xix.,

<sup>1</sup> At the hearing, January 3, 1752, House Journal, p. 80, this petition was dismissed.

<sup>347 bis.</sup> House Journal, pp. 10, 20, be best to turn an Arch a Top, thro' which an Entrance may be left into the Lanthorn, the Head Way & Door into the Same, to be of thin Iron Plates the Frame of the Lanthorn to be Iron & the Roof of Copper that the Walk round the Lanthorn be laid with Connecticut Stone, to project about four Inches beyond the Sides of the Building that the outside be planked & Hooped, shingled & painted, that any of the Windows may be stop'd up or made narrower as shall be tho't most for the Security of the Building, and that a Com<sup>tee</sup> may be appointed to see the whole effected in the cheapest & best Manner & as soon as may be All w<sup>ch</sup> is humbly submitted

JACOB WENDELL by Order

In the House of Rep<sup>ues</sup>  
Read and Accepted and

Ordered that M<sup>r</sup> Speaker and M<sup>r</sup> Allen with such as the Hon<sup>ble</sup> Board shall Joyn be a Comm<sup>ee</sup> to See all the works effected in the cheapest and best manner as soon as may be  
in Council

Read & Concur'd and Jacob Wendell Esq<sup>r</sup> is Joyn'd in the Affaire. [Passed June 7.]

## CHAPTER 14.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE SPEECH OF THE LIEU<sup>T</sup> GOVERNOR TO THE LEGISLATURE PROVIDING FOR CONFERENCES WITH INDIANS.

Mass.  
Archives,  
cviii., 439.

Legislative  
Records of the  
Council, xix.,  
251, 345, 352, 353.  
House Jour-  
nal, pp. 10, 20,  
21, *Ante*,  
p. 369, chap.  
265; p. 510,  
chap. 259.

THE COMMITTEE to whom was referr'd the Consideration of his Honours Speech so far as it was directed to both houses have attended the Service & report as their opinion

That agreeable to the Determinations of the last General Court Commissioners be now appointed to attend the proposed Interview at Albany and that Instructions be prepared for said Commissioners & provision made for their Expences & for a suitable present to the Indians

That a Sum not exceeding <sup>1</sup> be taken out of the truck Trade to provide a present for the Eastern Indians at the proposed Conference at St. Georges in August next and that a further sum not exceeding <sup>1</sup> be taken out of the same Trade to defray the Expence or Charge of his Honour the L<sup>t</sup> Governor or such Commissioners as may be present at said Conference.<sup>2</sup>

JACOB WENDELL by order

Read and Accepted. [Passed June 7.]

<sup>1</sup> *Sic.*

<sup>2</sup> The original report also included a paragraph providing for exchange of Bills of Credit, as follows: —

“The Committee are further of Opinion that inasmuch as a considerable Sum in Province bills over & above what has been tendered to the Committee on or before the 3<sup>d</sup> Instant may still be outstanding, every person who shall bring any of said Bills to the Committee on or before the 20<sup>th</sup> day of this Instant June may may [sic] receive there for an Order on the Treasurer of the same tenor last given except that such Orders shall bear Interest from the date only & shall not be entitled to the premium of one P Cent and if any persons shall keep in their hands any Bills after the 20<sup>th</sup> of this instant June all right to the Redemption shall cease, and the Committee are of opinion that an Act should pass this Court for the purposes last mentioned accordingly.”

The House accepted the report with two amendments, the first, substituting “George Town” for “St. Georges,” and the second, proposing to dele the paragraph relating to Bills of Credit as quoted above. The Council ignored the first amendment and agreed to the second amendment with the addition of the phrase “& Accept the Report as given in by the Committee.”

This action was concurred in by the House.

## CHAPTER 15.

ORDER ON THE PET<sup>N</sup> OF JN<sup>O</sup> CHANDLER, JUN<sup>R</sup>, IN REGARD TO COLLECTION OF EXCISE.

A PETITION of John Chandler [Jun<sup>r</sup>] Esq<sup>r</sup> Farmer of the Duties of Excise in the County of Worcester, shewing that since the Petitioner agreed for the said Excise, the Town of Woodstock (where a considerable Quantity of Spirituous Liquors is vended) is gone off from this Province & received into the Government of Connecticut, so that he can by no Means collect the Excise there praying that an Abatement may be made him accordingly.

Legislative Records of the Council, xix., 354. Mass. Archives, cxix., 490.

Mass. Archives, cxix., 489. House Journal, pp. 20, 21.

Read and Inasmuch as the Town of Woodstock have refus'd to pay their Excise tho' they belong to the County of Worcester in this Province, and ought to pay said Excise

Therefore

*Ordered* that the Treasurer be directed not to call upon the Pet<sup>r</sup> for the Sum of twenty pounds Seventeen Shillings & eight [pence]<sup>1</sup> until the Controversy respecting said Town be determined. [*Passed June 8.<sup>2</sup>*

## CHAPTER 16.

## ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF YORK CO.

AN ACCOMPT presented by Jeremiah Moulton Esq<sup>r</sup> Treasurer of the County of York for the Year 1750, having been laid before the Court of General Sessions of the Peace for the said County & by them allowed

Legislative Records of the Council, xix., 354. Mass. Archives, cxlviii., 9.

Read and

*Ordered* that the within Acct<sup>t</sup> be allowed, and that the Ball<sup>a</sup> thereof being Twenty five pounds Nine Shillings and five pence the said County is further Accountable to said Treasurer for. [*Passed June 8.*

Mass. Archives, cxlviii., 9. House Journal, pp. 10, 19, 20.

## CHAPTER 17.

## ORDER ACCEPTING THE REPORT OF THE COMMITTEE DETERMINING THE BOUNDARIES OF THE NEW PRECINCT IN SPRINGFIELD.

THE COMM<sup>TEE</sup> appointed by the Hon<sup>ble</sup> General Court the sixth of April last to prescribe proper Bounds & Limits &c to the Precinct lately granted on the Northerly Side of the Township of Springfield at a Place called Checapee (having first given notice to the Comm<sup>tees</sup> of the first & second Parishes in Springfield) have repaired to the Lands & heard the Parties & have considered all things touching the Same, are of Opinion that the Bounds of said Parish be as follows. viz<sup>t</sup> To begin at the Mouth of Cheopee River and to extend easterly as said River runs untill it meet with the outward Commons in said Springfield, thence Northerly as the said Comons run, to Hadley bounds, Thence, by Hadley Bounds West

Legislative Records of the Council, xix., 355. Mass. Archives, cxv., 884.

Mass. Archives, cxv., 883. House Journal, pp. 26, 27. *Ante*, p. 509, chap. 256.

<sup>1</sup> Inserted from Legislative Records of the Council, xix., 354.

<sup>2</sup> This date is according to Mass. Archives; according to Legislative Records of the Council and the House Journal the date is June 7.

to Connecticut River thence down said River to the Mouth of Cheeopee River, & to begin at the West Side of Connecticut River at the Mouth of Ryleys Brook, [from thence to run West to Westfield Bounds; Thence Northerly by Westfield Bounds to Northampton Bounds; Thence round by Northampton to Connecticut River; And then down said River to the Mouth of Ryley's Brook;]<sup>1</sup> & further we are of Opinion that Benjamin Chapin, George Chapin, Joshen Chapin & Benjamin Crowfoot (who dwell South of Cheeopee River) they their Families & Estates be annexed to the said new Precinct to do Duties & receive Priviledges there, particularly that they be subjected to be taxed with the Inhabitants on the East Side of Connecticut River, in said New Precinct, for & towards the Settlement of the first Minister & building the first Meeting House in said Precinct as desired in the Petition.

And further that the Lands lying in Cranys Meadow so called lying on the West Side of Connecticut River, and at Scipmuchi on the North Side of Chicapee River belonging to the Inhabitants of the first & second Parishes in Springfield now under actual Improvem<sup>t</sup> be exempt from paying Taxes in said New Precincts so long as the Owners or Occupants of said Lands shall dwell within the Bounds of said new Precint, that they & said Lands hereby proposed to be Exempted, shall Do Duties & receive Priviledges as others in said new Precincts, and further we would represent that there are several Inhabitants who live near to Chicapee River on the South Side thereof viz Bom Van Horn, Azariah Van Horn, Abraham Van Horn, Samuel Terry Thomas Terry & Moses Wright who dwell within the Line originally petitioned for, but were not Petitioners, We are of Opinion that it is reasonable, that they & their Estates should be annexed to said new Precinct in Case they should desire it, or it appears they generally attend the publick Worship there,

All w<sup>ch</sup> is humbly submitted, in the Name & by Order of the Comm<sup>tee</sup>

OL. PARTRIDGE.

Read &

*Ordered*, that this Report be & hereby is Accepted. [Passed June 11.

## CHAPTER 18.

### ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF BARNSTABLE COUNTY.

Legislative  
Records of the  
Council, xix.,  
356. Mass.  
Archives,  
cxcvii., 176.

Mass.  
Archives,  
cxcvii., 176.  
House Jour-  
nal, pp. 10, 19.

AN ACCOMPT presented by Jonathan Bacon Treasurer of the County of Barnstable for the Year 1750, having been laid before the Court of General Sessions of the Peace for said County & by them allowed.

Read and

*Ordered* that the within Acc<sup>t</sup> be allowed and that the Ball<sup>a</sup> thereof including the outstanding Assesment on the Town of Chatham being Eighteen pounds Nine Shillings and three pence three farthings the said Treasurer is further Accountable to Said County for. [Passed June 11.

<sup>1</sup> Inserted from the State Library copy, Legislative Records of the Council, xix., 370.

## CHAPTER 19.

CHOICE OF COMMISSIONERS TO PROCEED TO ALBANY FOR THE CONFERENCE WITH THE SIX NATIONS.

THE TWO HOUSES according to Agreement proceeded to the Choice of the three Commissioners for the interview at Albany, & John Chandler, Joseph Dwight & Oliver Partridge Esqr were chosen by the major part of the Votes, to that Trust.

But John Chandler Esqr excusing himself from engaging in the said Service, Jacob Wendell Esqr was chosen by the Major Vote in his Room,

The Secretary laid before His Honour the Lieut<sup>t</sup> Governor a List of the Commissioners chosen by both Houses the seventh Instant, For the Treaty with the six Nations at Albany. to which he signed his Consent. [Passed June 11.

Legislative Records of the Council, xix., 353, 356.

House Journal, pp. 21, 22.  
*Ante*, p. 544,  
chap. 14.  
*Infra*, chap. 22.

## CHAPTER 20.

ORDER FOR ADJOURN<sup>G</sup> COURTS IN BARNSTABLE COUNTY.

WHEREAS divers of the Justices of the Court of General Sessions of the Peace and Inferior Court of Common pleas, which by Law were to have been held at Barnstable In the County of Barnstable, on the last Tuesday of June Currant, are Members of this Court; And the Important Affairs of the Province now depending require their Attendance thereon.

Wherefore

*Ordered* That the Said Courts be Adjourned to the first Tuesday of July next, And that all officers & other Persons concerned in Said Courts conform themselves Accordingly. [Passed June 12.

Legislative Records of the Council, xix., 357. Mass. Archives, xliii., 446.

House Journal, p. 31.  
Province Laws, iii., 64,  
chap. 32.

## CHAPTER 21.

ORDER OF NOTICE ON THE PET<sup>N</sup> OF JOS. HOW & OTHERS IN REGARD TO A TOWN MEETING AT TOWNSHIP N<sup>o</sup> 2.

A PETITION of Joseph How, Jesse Rice, Adonijah Church, Eleazer Davis, Daniel Maynard, & Benoni Bailey, Non resident Proprietors of the Township called Number two,<sup>1</sup> lying between Westfield & Sheffield, shewing that there was a Proprietors Meeting of said Place held the fourth of March last at which Meeting a Tax granted on the Land there, & several other Votes passed but for as much as the Petitioners were never legally notified of said Meeting, & a Person they had empowered to Act for them in said Meeting, was not admitted to vote with them, therefore praying that the said Meeting & all their Proceedings may be declared null & void,

Read &

*Ordered* that the Petitioners serve the Proprietors of the above-mentioned Township with a Copy of this Petition. (by seasonably

Legislative Records of the Council, xix., 357.

Mass. Archives, cxvi., 39-42.  
House Journal, p. 29.

<sup>1</sup> This town was New Marlboro.

leaving a Copy thereof with the Clerk of the said Proprietors,) that they shew Cause if any they have on the second Thursday of the next Sitting of this Court why the Prayer thereof should not be granted, And all Proceedings in Consequence of said Meeting are stayed in the mean time. [Passed June 12.]

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## CHAPTER 22.

### VOTE APPOINTING A COMMITTEE FOR PREPAR<sup>G</sup> INSTRUCT<sup>S</sup> TO THE COMMISS<sup>RS</sup> FOR ALBANY.

Legislative  
Records of the  
Council, xix.,  
337. Mass.  
Archives,  
xxxii., 142.

Legislative  
Records of the  
Council, xix.,  
352. House  
Journal, p. 30.  
*Ante*, p. 547,  
chap. 19.

#### In Council

*Voted* that Andrew Oliver & Thomas Hutchinson Esq<sup>rs</sup> with such as the hon<sup>ble</sup> House shall join, be a Committee to prepare Instructions for the Commission<sup>rs</sup> appointed to attend the Conference at Albany, & that it be one Instruction to said Commission<sup>rs</sup> that they treat with any Indians of the Cagnawaga Tribe, they may meet with in this Province or in the Government of New York, & that they endeavour to engage & attach said Indians to his Majesty's Interest, & to renew & confirm Friendship between them & his Majesty's Subjects of this Province

#### In the House of Rep<sup>ves</sup>

Read and Concurred and Mr Speaker Col<sup>o</sup> Porter and Mr Allen are Joyned in the Affair. [Passed June 12.]

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## CHAPTER 23.

### ORDER REFERRING THE PET<sup>N</sup> OF KITTERY THIRD PARISH IN REGARD TO MINISTERIAL LANDS.

Legislative  
Records of the  
Council, xix.,  
317. Mass.  
Archives, cxv.,  
867.

Mass.  
Archives, cxv.,  
866. Legisla-  
tive Records of  
the Council,  
xix., 358.  
House Jour-  
nal, p. 201  
(April, 1751);  
p. 30. *Ante*,  
p. 411, chap. 8.

A PETITION of the third Parish in the Town of Kittery complaining of the proceedings of the first Parish in said Town in divesting of them of their Right in the Ministerial Lands, by seizing upon the whole & fencing it in, by which they are put to great Difficulties, praying for Redress from this Court.

#### Read &

*Ordered* that the Consideration of this Petition be refer'd to the first Tuesday of the next Sitting of the Court.<sup>1</sup> [Passed June 12.]

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## CHAPTER 24.

### ORDER SUBSTITUTING COL. WARD AND M<sup>R</sup> TYNG FOR COL. GERRISH AND COL. CLAP ON THE COM<sup>TEE</sup> TO SELL LAND BETWEEN ROAD TOWN AND MILLERS' RIVER.

Legislative  
Records of the  
Council, xix.,  
358. Mass.  
Archives,  
xlvi., 249.

Mass.  
Archives,  
xlvii., 248.  
House Jour-  
nal, p. 30.  
*Ante*, p. 516,  
chap. 271.

*Ordered* that Col<sup>o</sup> Ward and Mr Tyng be of the Comm<sup>ee</sup> within mentioned [*ante*, p. 516, chap. 271] in the room of Col<sup>o</sup> Gerrish and Col<sup>o</sup> Clap. [Passed June 12.]

<sup>1</sup> At the hearing October 9, 1751, House Journal, p. 64, this petition was dismissed.

## CHAPTER 25.

ORDER ALLOWING THE ACC<sup>O</sup> OF THE TREAS<sup>R</sup>E OF MIDDLESEX COUNTY.

AN ACCOMPT of Daniel Russell Esq<sup>r</sup> Treasurer of the County of Middlesex for the Year 1750, having been by him laid before the Court of General Sessions of the Peace for the said County & by them allowed

Legislative Records of the Council, xix., 359.  
House Journal, pp. 10, 29.

Read &amp;

*Ordered* that this Accompt be allowed & that the Ballance thereof being Twenty four Pounds seventeen shillings & Six pence three farthings the said Treasurer is further Accountable to said County for. [Passed June 13.]

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## CHAPTER 26.

ORDER IMPOWERING ELIJAH FEARING &c<sup>A</sup>, ADMINISTRATORS, TO COLLECT DEBTS DUE NATHANIEL FEARING, LOAN TRUSTEE.

A PETITION of Elijah Fearing & Enoch Lynchon, Administrators of the Estate of Nathaniel Fearing late of Hingham Dec<sup>d</sup> shewing that the said Nathaniel was one of the Trustees of that part of the £60,000 Loan that belonged to the said Town of Hingham that He survived the other Trustees that there was left in his Possession, at his Death, divers Bonds of the Debtors, altho' he had paid the whole Money into the Treasury, praying that the Petitioners may be enabled to collect the said Money

Legislative Records of the Council, xix., 359. Mass. Archives, ci., 618.  
Mass. Archives, ci., 617. House Journal, pp. 14, 31.

Read and

*Ordered* that the Prayer of this Pet<sup>n</sup> be granted and that the within named Adm<sup>rs</sup> be and they hereby are fully Impowered to Collect the several Sums of Money that are due to the within named Nathaniel Fearing dec'd in his Capacity as Trustee for the Town of Hingham's proportion of the £60,000 Loan, and if need be to Sue for and recover the same in the Law as fully and amply as said Intestate might have done had he been living. [Passed June 13.]

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## CHAPTER 27.

ORDER ON THE PET<sup>N</sup> OF BENJ<sup>A</sup> EDWARDS, SUSPENDING THE COLLECTION OF TAXES IN BOSTON.

A PETITION of Benjamin Edwards one of the Collectors of publick Taxes for the Town of Boston, shewing that by Reason of long Sickness he has been hindred from Collecting & paying in the said Taxes praying that he may be allowed to impower some Person to act under him, or be indulged with further Time.

Legislative Records of the Council, xix., 359. Mass. Archives, ci., 624.  
Mass. Archives, ci., 622. House Journal, pp. 15, 31.

Read and in Answer hereto

*Ordered* that the Treasurer be directed to Suspend the Execution within mentioned for the Space of one Month from this time. [Passed June 13.]

## CHAPTER 28.

Legislative  
Records of the  
Council, xix.,  
360. Mass.  
Archives,  
xliii., 308.

Mass.  
Archives,  
xliii., 306.  
House Jour-  
nal, p. 33.  
*Ante*, p. 514,  
chap. 266.

ORDER REFERRING THE PETITION OF JOHN SHEPLE, ADMINISTRATOR,  
FOR A REVIEW OF A JUDGMENT.

ON THE PETITION of John Sheple, [*ante*, p. 514, chap. 266]

Read with the Answer of William Lakin, &

*Ordered* that the further Consideration of this Petition be refer'd to the second Wednesday of the next Sitting of this Court, & that in the mean time It be recommended to the Parties to agree the Matter in Difference between them selves. [Passed June 13.]

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## CHAPTER 29.

ORDER GRANTING 250 ACRES OF EQUIVALENT LAND TO THOS FAIRBANKS.

Legislative  
Records of the  
Council, xix.,  
362. Mass.  
Archives,  
xvi., 255.

Mass.  
Archives,  
xvi., 254.  
House Jour-  
nal, pp. 31, 35.  
Province  
Laws, xii., 500,  
chap. 58. *Ante*,  
p. 459, chap.  
125.

A PETITION of Joseph Wilder Jun<sup>r</sup> Esq<sup>r</sup> in behalf of Thomas Fairbanks shewing that the Land he had surveyed by Order of this Court to fulfill a Grant of Two hundred & fifty Acres of Land made to his Father Jabez Fairbanks happens to have been included in the Grant of New Salem, and therefore praying for Liberty to take up the said Grant in some of the unappropriated Lands of the Province in two Parells or otherwise to be releived.

Read and

*Ordered* that the within named Thomas Fairbanks have liberty to lay out the Grant within mentioned of two hundred and fifty Acres of Land herein mentioned in two pieces (if He sees cause)

Provided He lay out the same in the unappropriated lands of the Province East of Connecticut River, and return a Plan thereof taken by a Skilful Surveyor and Chain Men under Oath to this Court within Six Months for Confirmation. [Passed June 15.]

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## CHAPTER 30.

ORDER ERECTING THE NORTHERLY PART OF SUNDERLAND INTO A SEPARATE PRECINCT, WITH VOTES ANNEXING A TRACT THERETO, AND DIRECTING THE SALE OF UNAPPROPRIATED LANDS INCLUDED THEREIN.

Legislative  
Records of the  
Council, xix.,  
362. Mass.  
Archives, cxv.,  
721. House  
Journal, p. 31.

Mass.  
Archives, cxv.,  
719. House  
Journal, pp. 31,  
32, 37. *Ante*,  
p. 519, chap.  
279.

A PETITION of the Inhabitants of *Sunderland*, in the County of *Hampshire*, praying that the Limits of their Township may be enlarged, and that they may be constituted two distinct Parishes, for the Reasons mentioned.

On the Report of a Comm<sup>tee</sup> on Sunderland Affairs

In the House of Rep<sup>nes</sup>

Read and

*Ordered* that the Northerly part of the Inhabitants of Sunderland be Erected into a distinct and seperate Precinct with such Bounds as Voted by said Town. Viz<sup>t</sup>

To begin at Connecticut River Twenty Rodds north of the Mouth of Slate Stone Brook From thence East to the East Side of the Town Bounds, thence on the Line of the said Town to the north East Corner

of the Town Bounds. Thence West on the Line of said Town to Connecticut River From thence down said River to the first mentioned Bounds. And that they be Vested with such Powers and Priviledges as Precincts and Parishes w<sup>th</sup>in this Government by Law are Vested with.

*Voted* also that the lands lying between the North Line of Sunderland and Millar's River be annexed to said Parish, to do duty and receive Priviledge there.

Also

*Voted* that, that part thereof which is now unappropriated, be Sold at a publick Vandue to the Highest Purchaser.

who shall be Obliged to Settle on said Tract ten Families and build ten Houses Eighteen feet square a Seven feet Stud, and bring to fitt for Tillage five Acres of Land for each family within three Years from the time of said Sale And that Mr Allen Col<sup>o</sup> Heath and Mr Gray with such as the Honble Board shall Joyn be a Comm<sup>ee</sup> sometime during the Sitting of the Gen<sup>l</sup> Court to make sale of said land, as is above directed And that they give Seasonable Notice of this Order in the publick Prints accordingly

In Council Read and Concur'd, And Samuel Watts and John Chandler Esq<sup>rs</sup> are joined in the Affair. [Passed June 17.

## CHAPTER 31.

### ORDER FOR THE PAYMENT OF PERSONS TO CARE FOR FORTS PELHAM & SHIRLEY.

*Ordered* that Pay and Subsistance be allowed to One Person Viz<sup>t</sup> The Pay of a common Soldier for one Year from this time in order for the Encouragment of a Familie's dwelling at Fort Shirley, dñring that term of time, for the securing the said Fort from being Demolished which is now Dismantled and without an Inhabitant. (The Prop<sup>r</sup> of the Land on which said Fort is built having Consented thereto)

Legislative Records of the Council, xix., 365. Mass. Archives, civili., 442.

And that the like pay and subsistance be allowed to one other Person to Encourage a Familie's Dwelling for said Term at Fort Pelham which is now also dismantled. And that the Commander in Chief be desired to give Order accordingly. [Passed June 18.<sup>1</sup>

Legislative Records of the Council, xix., 360. House Journal, pp. 32, 37, 38.

## CHAPTER 32.

### ORDER APPOINTING A COMTEE FOR FARM<sup>G</sup> THE EXCISE IN SUFFOLK COUNTY.

Legislative Records of the Council, xix., 365.

In the House of Represent<sup>ves</sup>

House Journal, p. 40.

*Ordered* that Mr Allen & Coll<sup>o</sup> Heath with such as the Honble Board shall join be a Comm<sup>ee</sup> to farm out the Excise for the County of Suffolk. In Council Read & Concur'd & Samuel Watts Esq<sup>r</sup> is joined in the Affair. [Passed June 19.

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is June 19.

## CHAPTER 33.

ORDER APPOINTING A COMTEE FOR FARM<sup>G</sup> THE EXCISE IN ESSEX COUNTY.

Legislative  
Records of the  
Council, xix.,  
365.  
House Jour-  
nal, p. 40.

In the House of Represent<sup>ves</sup>

*Ordered* that Capt Leech & M<sup>r</sup> Cogswell with such as the Hon<sup>ble</sup> Board shall join be a Comm<sup>tee</sup> to farm out the Excise for the County of Essex In Council Read & Concur'd, And Benjamin Lynde Esq<sup>r</sup> is joined in the Affair. [Passed June 19.]

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## CHAPTER 34.

ORDER APPOINTING A COMTEE FOR FARM<sup>G</sup> THE EXCISE IN MIDDLESEX COUNTY.

Legislative  
Records of the  
Council, xix.,  
365. Mass.  
Archives,  
cxix., 510.  
House Jour-  
nal, p. 40.

In the House of Rep<sup>ves</sup>

*Ordered* that Judge Russell and Col<sup>o</sup> Royall with such as the Hon<sup>ble</sup> Board shall Join be a Committee to Farm out the Excise for the County of Middlesex.

In Council Read & Concur'd & Ezekiel Cheever Esq<sup>r</sup> is joined in the Affair. [Passed June 19.]

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## CHAPTER 35.

ORDER APPOINTING A COMTEE FOR FARM<sup>G</sup> THE EXCISE IN HAMPSHIRE COUNTY.

Legislative  
Records of the  
Council, xix.,  
365.  
House Jour-  
nal, p. 40.

In the House of Represent<sup>ves</sup>

*Ordered* that Col<sup>o</sup> Porter & Col<sup>o</sup> Partridge with such as the Hon<sup>ble</sup> Board shall join be a Comm<sup>tee</sup> to farm out the Excise in the County of Hampshire In Council Read & Concur'd & Israel Williams Esq<sup>r</sup> is joined in the Affair. [Passed June 19.]

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## CHAPTER 36.

ORDER APPOINTING A COMTEE FOR FARM<sup>G</sup> THE EXCISE IN WORCESTER COUNTY.

Legislative  
Records of the  
Council, xix.,  
365.  
House Jour-  
nal, p. 40.

In the House of Represent<sup>ves</sup>

*Ordered* that Col<sup>o</sup> Ward & Capt Wilder with such as the Hon<sup>ble</sup> Board shall join be a Comm<sup>tee</sup> to farm out the Excise in the County of Worcester In Council Read & Concur'd & John Chandler Esq<sup>r</sup> is joined in the Affair. [Passed June 19.]

## CHAPTER 37.

ORDER APPOINTING A COMTEE FOR FARM<sup>G</sup> THE EXCISE IN PLIMOUTH COUNTY.

In the House of Represent<sup>ves</sup>  
*Ordered* that M<sup>r</sup> Stockbridge & M<sup>r</sup> Turner with such as the Hon<sup>ble</sup> Board shall join be a Comm<sup>tee</sup> to farm out the Excise in the County of Plimouth. In Councel Read & Coneur'd & John Cushing Esq<sup>r</sup> is joined in y<sup>e</sup> Affair. [Passed June 19.]

Legislative Records of the Council, xix., 365.  
 House Journal, p. 40.

## CHAPTER 38.

ORDER APPOINTING A COMTEE FOR FARM<sup>G</sup> THE EXCISE IN BARNSTABLE COUNTY.

In the House of Represent<sup>ves</sup>  
*Ordered* that Col<sup>o</sup> Otis & M<sup>r</sup> Freeman with such as the Hon<sup>ble</sup> Board shall join be a Comm<sup>tee</sup> to farm out the Excise in the County of Barnstable. In Council Read & Coneur'd & John Otis Esq<sup>r</sup> is joined in the Affair. [Passed June 19.]

Legislative Records of the Council, xix., 365.  
 House Journal, p. 40.

## CHAPTER 39.

ORDER APPOINTING A COMTEE FOR FARM<sup>G</sup> THE EXCISE IN BRISTOL COUNTY.

In the House of Represent<sup>ves</sup>  
*Ordered* that Col<sup>o</sup> Leonard & M<sup>r</sup> Ware with such as the Hon<sup>ble</sup> Board shall join be a Comm<sup>tee</sup> to farm out the Excise in the County of Bristol. In Council Read & Coneurd & George Leonard Esq<sup>r</sup> is joined in the Affair. [Passed June 19.]

Legislative Records of the Council, xix., 365.  
 House Journal, p. 40.

## CHAPTER 40.

ORDER APPOINTING A COMTEE FOR FARM<sup>G</sup> THE EXCISE IN YORK COUNTY.

In the House of represent<sup>ves</sup>  
*Ordered* that Capt Bragdon & M<sup>r</sup> Wells with such as the Hon<sup>ble</sup> Board shall join be a Comm<sup>tee</sup> to farm out the Excise for the County of York. In Council Read & Coneur'd & Jeramiah Moulton Esq<sup>r</sup> is joined in the Affair. [Passed June 19.]

Legislative Records of the Council, xix., 365.  
 House Journal, p. 40.

## CHAPTER 41.

ORDER APPOINTING A COM<sup>TEE</sup> FOR FARM<sup>G</sup> THE EXCISE IN DUKES COUNTY.

Legislative  
Records of the  
Council, xix.,  
366. Mass.  
Archives,  
cxix., 510<sup>a</sup>.

House Jour-  
nal, p. 40.

In the House of Rep<sup>ves</sup>

*Ordered* that Cap<sup>t</sup> Norton and Col<sup>o</sup> Mayhew with such as the Hon<sup>ble</sup> Board shall Join be a Committee to Farm out the Excise for the County of Dukes County.

In Council Read & Coneur'd & Pain Mayhew Esq<sup>r</sup> is joined in the Affair. [Passed June 19.]

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## CHAPTER 42.

ORDER APPOINTING A COM<sup>TEE</sup> FOR FARM<sup>G</sup> THE EXCISE IN NANTUCKET COUNTY.

Legislative  
Records of the  
Council, xix.,  
366.

House Jour-  
nal, p. 41.

In the House of Represent<sup>ves</sup>

*Ordered* that Mr Folger & Mr Sylvanus Hussey with such as the Hon<sup>ble</sup> Board shall join be a Comm<sup>tee</sup> to farm out the Excise for the County of Nantucket In Council Read & Coneurd & John Coffin Esq<sup>r</sup> is joined in the Affair. [Passed June 19.]

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## CHAPTER 43.

ORDER REFERRING THE PETITION OF EDWD WASHBURN PRAYING FOR AN APPEAL FROM A JUDGMENT.

Legislative  
Records of the  
Council, xix.,  
354. Mass.  
Archives,  
xliii., 435.

Mass.  
Archives,  
xliii., 434, 436.  
Legislative  
Records of the  
Council, xix.,  
367. House  
Journal, pp. 22,  
23, 41.

A PETITION of Edward Washburn of Middleboro' shewing that His Wife Elisabeth Washburn was, while the Petitioner was out of the Province convented before Daniel Johnson Esq<sup>r</sup> one of His Majestys Justices of the Peace for the County of Plymouth, by one Peter Caswall for wittingly & willingly making & publishing a scandalous Report against him, & upon Trial Sentenced to pay a Fine, that the said Elisabeth (knowing her Innocence,) would have appealed from said Sentence had she known her Priviledge but thro' Ignorance lost the Benefit & therefore praying that she may be now admitted to make her Appeal.

*Ordered* that<sup>1</sup> the Consideration of this Pet<sup>n</sup> be refer'd<sup>1</sup> to the first Fryday of the next Sitting of this Court. [Passed June 20.]

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## CHAPTER 44.

VOTE FOR CALLING A TOWN MEETING AT DIGHTON.

Legislative  
Records of the  
Council, xix.,  
367. Mass.  
Archives,  
cxvi., 108.

*Voted* that the Select-men of the Town of Dighton for the year 1750 be and they hereby are Directed and impowered to issue their Warrant to one of the Constables of Said Town for the year 1750. to Call a Town-meeting as Soon as may be to make Choice of the

<sup>1</sup> Manuscript mutilated.

Several Town officers for the year Currant, who Should have been Chose in the Month of March Last and the Said Town officers when Chosen Shall be as much Obliged, (to all intents & purposes) to Serve in Said offices to which they Shall be respectively Chosen as though they had been Chosen in the month of March Last and that the Town meeting held there in May Last for the Choice of a Representative, be Deemed & held good & Valid to all intents & purposes. notwithstanding it was Called by the Select-men for the year 1750.

Mass.  
Archives,  
cxi., 107.  
House Jour-  
nal, p. 44.

[Passed June 20.]

## CHAPTER 45.

### ORDER ALLOWING £225 FOR PRESENTS TO INDIANS, AND A FURTHER SUM OF £90 FOR EXPENSES OF COMMISSIONERS TO ALBANY.

*Ordered* that the Commissioners appointed to repair to Albany be allowed out of the publick Treasury either in Silver or Gold Two hundred and twenty five pounds to be improv'd either in whole or in part, at their Discretion, as a Present to the Six Nations of Indians &c Also

Legislative  
Records of the  
Council, xix.,  
368. Mass.  
Archives, cii.,  
647.

*Voted* that the Sum of Ninety pounds be allowed to said Commissioners out of the publick Treasury in order to defrey their Expences to at & from Albany. They to be accountable for the abovementioned Sums. [Passed June 20.]

Legislative  
Records of the  
Council, xix.,  
332. House  
Journal, p. 44.  
*Ante*, p. 547,  
chap. 19.

## CHAPTER 46.

### VOTES ALLOWING £400 TO THE COMMISSARY GENERAL FOR EXPENSES ATTENDANT ON TREATY WITH EASTERN INDIANS, AND ALSO ALLOWING £280 FOR PRESENTS TO SAID INDIANS.

*Voted* that the Sum of four hundred pounds be allowed out of the Indian Truck Trade to the Commissary General to Purchase Provisions and make suitable Accommodations for His Hon<sup>r</sup> the Lieut<sup>t</sup> Gov<sup>r</sup> and the Gentlemen Who shall attend him at the Interview with the Eastern Tribes of Indians at the Eastward in August next.

Legislative  
Records of the  
Council, xix.,  
369. Mass.  
Archives,  
xxxii., 150.

Also

House Jour-  
nal, p. 47.  
*Ante*, p. 544,  
chap. 14.

*Voted* that the Sum of Two Hundred and Eighty pounds be allowed out of the said Trade to the Commissary General to Procure suitable Presents to be delivered either in whole or in part to the Indians at the said Interview by His Hon<sup>r</sup> the Lieut<sup>t</sup> Gov<sup>r</sup> in the name of this Court. [Passed June 21.]

## CHAPTER 47.

### ORDER IN REGARD TO THE MASSACHUSETTS FRIGATE.

*Ordered* that the Committee appointed the 20<sup>th</sup> of February last to take under Consideration the State of the Massachusetts Frigate be directed to dispose of her, or otherwise Improve her, as they shall Judge for the best advantage of the Province with the Approbation of this Court (if sitting) or in the Recess of the Court of the Lieut<sup>t</sup> Gov<sup>r</sup> and Council. [Passed June 21.]

Legislative  
Records of the  
Council, xix.,  
369. Mass.  
Archives,  
lxiv., 453.  
House Jour-  
nal, p. 139  
(January,  
1750); p. 45.  
*Ante*, p. 498,  
chap. 227.

## CHAPTER 48.

ORDER IN REGARD TO THE EXCISE ON TEA, COFFEE, &C<sup>A</sup> AND FIXING THE AMOUNT TO BE GIVEN AS BONDS BY LICENCEES.

Legislative  
Records of the  
Council, xix.,  
370.

Mass.  
Archives,  
Ixv., 456.  
House Jour.  
nal, pp. 49, 50.  
Province  
Laws, iii., 496,  
chap. 21.

WHEREAS for the securing the Payment of the Duties laid on Tea, Coffee, Arrack & Snuff & China Ware, It is by the Act granting the Same Provided That every Person licenced to sell these Articles shall give Bond with sufficient Sureties, to pay the Duties laid thereon, but as the said Act doth not sufficiently ascertain the Sum, wherein Persons so licenced shall become bound for the Paym<sup>t</sup> of the Duties aforesaid has in a great Measure been eluded, by Bonds insufficient for the Purpose aforesaid being taken,

*Ordered* that every Person licenced as aforesaid shall give Bond for the Purposes mentioned in said Act in a Sum not less than One hundred Pounds, & for such further Sum as the Court of General Sessions of the Peace granting such Licence shall judge necessary to Compel the Party to perform the Condition of the Bond & to secure the Payment of the Duties aforesaid. [Passed June 22.

## CHAPTER 49.

## ORDER ON THE PETITION OF SARAH DRAPER, ADMINISTRATRIX, IN REGARD TO AN APPEAL FROM A DECREE OF JUDGE OF PROBATE.

Legislative  
Records of the  
Council, xix.,  
358, 370. Mass.  
Archives,  
xviii., 796.

Mass.  
Archives,  
xviii., 794-802.  
Legislative  
Records of the  
Council, xix.,  
369. House  
Journal, pp. 27,  
47, 50.

A PETITION of Sarah Draper, Administ<sup>x</sup> of the Estate of her late Husband Jonathan Draper of Roxbury Deed Intestate, shewing that he was prevailed upon by the Promises of her Children to make such Additions to her Administration Account, as she was not strictly obliged to, that Thomas Draper one of her Sons absolutely refuses to join with the rest of her Children in fulfilling their Promise to her, therefore praying that the Sentence of the Judge of Probate for the County of Suffolk, may be revoked & that she may have Liberty to render an Administration Accompt anew

The Committee having heard the Parties & reported that in their Opinion, this Petition is reasonable

*Order'd* that the Prayer thereof be granted, and that the said Judge of Probate be impowered & directed to reconsider the Additional Acco<sup>t</sup> mentioned in the Petition, and after a full Hearing of the Parties concern'd to pass such order thereon as to him shall appear most just & agreeable to Law: And if either Party shall be agrived thereat they may appeal to the Governour & Council in time & manner as the Law directs. [Passed June 22.

## CHAPTER 50.

## ORDER DIRECTING GUN CARRIAGES TO BE SENT TO FORT GEORGE, ALSO THAT REPAIRS BE MADE THERE.

Legislative  
Records of the  
Council, xix.,

A MEMORIAL of Capt John Oulton Commander of Fort George at Brunswick setting forth the decayed State of the said Fort, The

Insufficieny of the Gun Carriages &c. & praying that Necessary repairs may be made there that so the said Fort may be made defensible against the Attack of an Enemy

370. Mass.  
Archives,  
lxixii., 701.

Read and

*Ordered* that the Commissary General be directed to provide four Carraiges for the Cannon at said Fort

Mass.  
Archives,  
lxixii., 700.  
House Jour.  
nal, pp. 39, 49.

*Ordered* also that Cap Oulton be directed to Cause the other Repairs to be effected there, not to Exceed the Sum of thirteen pounds Six Shillings and Eight pence. [Passed June 22.]

## CHAPTER 51.

### ORDER IN REGARD TO ASSESS<sup>G</sup> THE PROVCE TAX.

WHEREAS it has been the Practice of the Assessors of many of the Towns in the Province to neglect or delay settling the Proportion of the respective Inhabitants to the Province Tax until late in the Fall of the Year, by which Means it becomes impracticable for the several Constables & Collectors to demand & receive the Taxes, & pay the same into the Treasury in such time as is required by Law. And such Neglect or Delay may now prove of evil Consequence, & the publick Credit may be greatly affected thereby, Therefore

Legislative  
Records of the  
Council, xix.,  
371. Mass.  
Archives, cii.,  
648.

House Jour.  
nal, pp. 43, 49.

*Ordered* that the Assessors of the several Towns & Districts in the Province, be & hereby are required, as soon as may be, to make out the Rates or Assessments for said Towns & Districts respectively, & to make Return to the Province Treasurer, of the Sum committed to the several Constables or Collectors, on Pain of being proceeded against according to Law. [Passed June 22.]

## CHAPTER 52.

### ORDER ALLOWING £15 TO COL<sup>O</sup> RICH<sup>D</sup> GRIDLEY.

A PETITION of Col<sup>o</sup> Richard Gridley shewing that by Order of Governor Shirley he projected the Fortifications at Governours Island & spent much Time in overseeing the building of those Works & other Works at Castle William, for which he has yet had no Consideration, praying for an Allowance from this Court

Legislative  
Records of the  
Council, xix.,  
371. Mass.  
Archives,  
lxixiv., 16.

Read and

*Ordered* that the Sum of forty five pounds be allowed the Petitioner out of the publick Treasury in consideration of his Services within mentioned. [Passed June 22.]

Mass.  
Archives,  
lxxiv., 14.  
House Jour.  
nal, pp. 28, 48.

## CHAPTER 53.

### VOTE REFERRING ALL UNFINISHED MATTERS.

Legislative  
Records of the  
Council, xix.,  
371. Mass.  
Archives,  
xlix., 320.

*Voted* that all Matters which have day and are now lying before the Court and not pass'd upon, have the same Day at the next Sitting of this Court. [Passed June 22.]

House Jour.  
nal, p. 49.

## CHAPTER 54.

ORDER OF NOTICE WITH STAY OF PROCEEDINGS ON THE PETITION OF  
ROBERT HALE, SHERIFF OF ESSEX COUNTY, PRAYING FOR LEAVE TO  
DEFEND AN ACTION.

Legislative  
Records of the  
Council, xix.,  
371. Mass.  
Archives,  
xliii., 433.

Mass.  
Archives,  
xliii., 431.  
House Jour-  
nal, p. 46.

A PETITION of Robert Hale Esqr Sheriff of the County of Essex shewing that he has recovered Judgment against Zeckariah Fowler of Ipswich for an Escape he made out of Salem Goal, & has served his Execution upon part of the Real Estate of the said Zechariah the greatest Part having been before taken in Execution by John Fowler Brother to the said Zeckariah, and for as much as the Petitioner Cannot secure enough of the said Estate to satisfy his Debt if the said John should recover all that he demands & the Petitioner has great Reason to suspect the two Notes given by the said Zeckariah to the said John Fowler were purely to defeat his Creditors, and the said Zechariah is not likely to appear in Court, therefore praying that the Petitioner may be admitted as Defendant in the said Cause

Read and

*Ordered* that the Pet<sup>r</sup> serve the adverse Partie John Fowler with a copy of this Pet<sup>n</sup> that He shew cause if any He hath on the first fryday of the next Sitting of this Court Why the Prayer thereof should not be granted and all Proceedings respecting the Action with in mentioned are Stayed in the mean time. [Passed June 22.

## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE SECOND DAY OF OCTOBER, A.D. 1751.

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### CHAPTER 55.

#### ORDER GRANTING TO JACOB ROBINSON LICENCE TO KEEP AN INN.

A PETITION of Mathew Peabody & Thomas Gould two of the Select Men of the Town of Topsfield, shewing that the said Town is destitute of an Inholder, & recommending Jacob Robinson as the most suitable Person to keep an Inn there & praying that this Court would impower the Court of General Sessions of the Peace for the County of Essex at their next Term to grant him a Licence accordingly.

Legislative Records of the Council, xix., 375. Mass. Archives, cxii., 219.  
Mass. Archives, cxii., 218. House Journal, p. 53.

Read and

*Ordered* that the Justices of Gen<sup>l</sup> Sessions of the Peace for the County of Essex be allowed at their next Session to grant the within named Jacob Robinson a Licence to keep a House of publick Entertainment (if they See cause) The said Jacob first obtaining the approbation from the Select Men of the Town of Topsfield for that Service. The time for granting Licences being elapsed notwithstanding. [Passed October 3.

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### CHAPTER 56.

#### ORDER GRANTING TO DAN<sup>L</sup> CLARK LICENCE TO KEEP AN INN.

A PETITION of Daniel Clark of Topsfield, shewing that he has kept a Tavern divers Years there, that at the last Term in the County of Essex for taking out Licences he appeared for that Purpose but was surprized to find that there were Objections made against his Conduct by some of his Own Town, who had alledged that the Select Men had denied their Approbation on Account of His Misbehaviour, which Charge is without any Ground as will appear by the Declaration of three of the Select Men of said Town, & therefore praying that the Court of General Sessions of the Peace for the County of Essex may be impowered to renew his Licence at their next Term.

Legislative Records of the Council, xix., 375. Mass. Archives, cxii., 221.  
Mass. Archives, cxii., 220–223. House Journal, p. 53.

Read and

*Ordered* that the Justices of Gen<sup>l</sup> Sessions of the Peace for the County of Essex be allowed at their next Session to grant the Pet<sup>r</sup> a Licence to keep a House of publick Entertainment (if they See

cause) The Pet<sup>r</sup> first obtaining an Approbation from the Select Men of the Town of Topsfield for that Service. The time for granting Lieences being elapsed notwithstanding. [Passed October 3.]

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## CHAPTER 57.

### ORDER ALLOWING £28 TO EDM<sup>D</sup> CHANDLER.

Legislative  
Records of the  
Council, xix.,  
376. Mass.  
Archives,  
lxxiv., 42.

Mass.  
Archives,  
lxxiv., 41.  
House Jour-  
nal, p. 53.

A PETITION of Edmund Chandler of North Yarmouth, shewing that Joseph Chandler his Son (an Infant) was taken Captive by the Indians, & by them sold to M<sup>r</sup> Cornelius Cyler of Albany for £25 York Money & he was put to the Charge of Three Pounds more on his Account, that M<sup>r</sup> Cyler refuses to deliver up his Son, till he be repaid those Sums, therefore praying that this Court would order payment thereof out of the Treasury.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted. And that the Pet<sup>r</sup> be allowed the value of the Sum of twenty eight pounds York Currency out of the publick Treasury for the purposes within mentioned. [Passed October 4.]

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## CHAPTER 58.

### ORDER ALLOWING £2 TO OLIVER BLODGET.

Legislative  
Records of the  
Council, xix.,  
376. Mass.  
Archives,  
lxxiv., 40.

Mass.  
Archives,  
lxxiv., 40.  
House Jour-  
nal, p. 54 bis.

A PETITION of Oliver Blodget of Chelmsford, praying that there may be allowed to him & his Brother Nehemiah Blodget out of the publick Treasury the Sum of Two Pounds thirteen shillings & 4<sup>d</sup> for a Gun belonging to their Brother Zacheus Blodget which was lost when he was killed by the Indians, in the publick Service

Read and

*Ordered* that the Sum of two pounds be allowed out of the publick Treasury to the Pet<sup>r</sup> in consideration for the Loss of the Gun within mentioned. [Passed October 4.]

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## CHAPTER 59.

### ORDER IMPOWERING REV<sup>D</sup> M<sup>R</sup> JON<sup>A</sup> EDWARDS TO PURCHASE LANDS OF STOCKBRIDGE INDIANS.

Legislative  
Records of the  
Council, xix.,  
378. Mass.  
Archives, xiii.,  
253.

Mass.  
Archives, xiii.,  
252. House  
Journal, pp. 54,  
56. *Ante*,  
p. 488, chap.  
203.

A PETITION of Mr Jonathan Edwards, shewing that he has lately settled as Minister among the Indians at Stockbridge, that he finds no Land there to be purchased for building his House, nor any Wood Lot for furnishing himself with Fire Wood, fencing Stuff &c but what is in the Hands of the Indians, therefore praying for Liberty to make such Purchase of them with the Consent of the Guardians, appointed over them.

Read and

*Ordered* that the Prayer of this Pet<sup>n</sup> be so far granted as that the Pet<sup>r</sup> (with the approbation of the Comm<sup>e</sup>e app<sup>ted</sup> by this Court in

February past to provide lands for the Indians of the Six Nations) have liberty to Purchase of the Stockbridge Indians fifty or Sixty Acres of Land lying in Stockbridge, and not far from the Middle of the Town, so as shall best accomodate him.

*Ordered* also that the See<sup>r</sup>y be directed to write a Letter in the name of this Government to the Inhabitants of Stockbridge strongly recommending it to the Prop<sup>rs</sup> of Lands (both Indians and English) in said Township to appropriate such a quantity of Suitable Land therein as shall be sufficient to Supply the Rev<sup>d</sup> Jon<sup>a</sup> Edwards with firewood &c during his Abode with them in the work of the Ministry, And for his Successors therein for ever. [Passed October 5.

## CHAPTER 60.

### ORDER DIRECTING THE TREASURER TO PAY DEBTS WITH MONEY REC<sup>P</sup> FROM THE LOTTERY &c<sup>A</sup>.

INASMUCH as a Supply of the Treasury by a Tax at this busy Season of the Year would not only be very inconvenient but would by no means answer the present Demands upon the Treasury made by Such Creditors of the Government, as were to have been Satisfied out of the monies proposed to be raised by the Sale of the late Lottery Tickets

Legislative Records of the Council, xix., 379. Mass. Archives, cii., 657.

House Journal, p. 55. Province Laws, iii., 539, chap. 15. *Ante*, p. 492, chap. 212.

*Ordered* that the Province Treasurer be directed to pay off, and discharge the Government's Debts aforesaid with the money paid into the Treasury by the Managers of the Lottery aforesaid, and by the Amount of the Bills of Credit paid into the Treasury by the said Managers out of One of the Chests of Silver Yet remaining in the Treasury. And that the Province Treasurer be directed and ordered forthwith to borrow such further Sums as shall be necessary to discharge the Debts of the Government proposed to be Discharged by the Lottery and give his promissory Notes for the Sums so borrowed payable with Lawful Interest in Six Months to the Lender or Bearer.

And that a Bill be brought in accordingly. [Passed October 5.

## CHAPTER 61.

### ORDER GRANTING TO JOS. FRY LICENCE TO RETAIL SPIRITUOUS LIQUORS.

A PETITION of Joseph<sup>1</sup> Fry of Salem, shewing that at the Time for taking out Licences for retailing strong Drink for the County of Essex, he had no occasion for such Licence, but being now about to engage in the Fishing Bussiness, he will be obliged to retail, Therefore praying that the Court of General Sessions of the Peace for said County may be impowered to grant him a Licence to retail strong Drink at their next Term,

Legislative Records of the Council, xix., 380. Mass. Archives, exix., 513.

Mass. Archives, cxix., 512. House Journal, p. 60.

Read and

*Ordered* that the Justices of Gen<sup>l</sup> Sessions of the Peace for the County of Essex be impowered to grant the Pet<sup>r</sup> a Licence (if they see cause) to retail Spirituous Liquors (He first obtaining an Appro-

<sup>1</sup> The House Journal, p. 60, reads, "Peter Fry."

bation therefor from the select Men of the Town of Salem) the time for granting Licences being elapsed notwithstanding. [Passed October 7.]

## CHAPTER 62.

### VOTE ALLOWING £3. 3 TO MR HARRISON GRAY.

Legislative  
Records of the  
Council, xix.,  
381. Mass.  
Archives, cil.,  
434.

House Jour-  
nal, p. 59.  
*Ante*, p. 561,  
chap. 60.

*Voted* that the Sum of three pounds three Shillings be allowed out of the publick Treasury to M<sup>r</sup> Harrison Gray, being so much that He allowed to Samuel Welles Esq<sup>r</sup> for Interest and Premium upon the Government's Securities that He rec'd of him for Lottery Tickets. And that the Treasurer be directed to pay him that Sum accordingly. [Passed October 8.]

## CHAPTER 63.

### ORDER ON THE PETITION OF SARAH CHECKLEY IN REGARD TO A SETTLEMENT OF ACCOUNTS.

Legislative  
Records of the  
Council, xix.,  
381. Mass.  
Archives,  
xliii., 477.

Mass.  
Archives,  
xliii., 475.  
House Jour-  
nal, p. 60.

A PETITION of Sarah Checkley of Boston Widow shewing that at the Inferior Court of common Pleas for the County of Suffolk held at Boston in July last, she was sued by John Gerrish & William Phillips as Administrators on the Estates of Samuel Gerrish & Joseph Gerrish Deed<sup>d</sup> that she perceiving that they, had given her short Credit in the Accompt they sued upon the Sum of Forty Pounds, she filed her Accompt in due Time according to Law in order to have that Sum allowed her, but the Court apprehending that the Law for fileing Accompts was expired refused to allow her Accompt, & for as much as the Court acted upon Mistake said Law being still in force, & the Estates of the said Samuel & Joseph Gerrish are represented insolvent, therefore praying that the said Inferior Court (now sitting) may be impowered to receive her Accompt & settle the Ballance accordingly

Read and

*Ordered* that the Justices of the Infer<sup>r</sup> Court of Common<sup>1</sup> pleas now sitting in Boston be and hereby are impowered to hear the Pet<sup>r</sup> and Adm<sup>r</sup>s herein named on the Acc<sup>ts</sup> filed by the said Sarah Checkley and allow all Such Sums as shall appear to said Court were paid by her when said Judgment was entred up, and take care the same be Endors'd on the Executions Issued on the said Judgments which are returnable to said Court now sitting. [Passed October 8.]

## CHAPTER 64.

### ORDER IMPOWERING CAPT. MOSES BENNET TO MAKE UP HIS MUSTER ROLL.

Legislative  
Records of the  
Council, xix.,  
381. Mass.

A PETITION of Capt Moses Bennet, shewing that he & two men under him have had the Care of the Massachusetts Frigate from the 6<sup>th</sup> of August last to this Time for which he has had no Allow-

<sup>1</sup> See.

ance praying that he may be be<sup>1</sup> allowed to make up a Muster Roll for the pay & Subsistence due.

Read and in Answer

*Ordered* that the Pet<sup>r</sup> be allowed to Make up a Muster roll for himself and two Men upon Usual pay and Subsistance from Aug<sup>t</sup> 6<sup>th</sup> 1750 to the 10<sup>th</sup> Curr<sup>t</sup>. [Passed October 8.]

Archives,  
ixiv., 459.

Mass.  
Archives,  
lxiv., 458.  
House Jour-  
nal, pp. 60, 61.  
*Ante*, p. 472,  
chap. 159.

## CHAPTER 65.

### RESOLVE DIRECTING THE TREASURER TO RECEIVE CERTAIN NOTES FROM SHERIFFS AND CONSTABLES FOR TAXES.

WHEREAS there is a Difficulty arising with the several Sheriffs, Constables & Collectors of Taxes within this Province as to the receipt of the Treasurers Notes, by Reason that one Denomination of them are made payable to the Treasurer (for Taxes due this present Year) accounting the principal only, & others of the same Denomination made payable for Taxes the same Year with the Interest & Premium due on the Same, provided they be paid before the 31 of December next, and the other Denominations of the Treasurers Notes are not payable in any Taxes at all, and as it is difficult for the several Sheriffs Constables & Collectors to make a proper Discrimination of said Notes, therefore

*Resolved* that the Treasurer be & he hereby is directed, to receive of the several Sheriffs, Constables, & Collectors of Taxes & Collectors of Excise any of said Notes which are payable on or before the Thirty first of December<sup>2</sup> for the Payment of their respective Collections, accounting Principal, Interest & Premium due thereon, Provided said Notes are brought into the Province Treasury on or before the thirty first day of December next. [Passed October 9.<sup>3</sup>]

Legislative  
Records of the  
Council, xix.,  
378.

Mass.  
Archives, cii.,  
662. House  
Journal, p. 57.  
Province  
Laws, iii., 554,  
chap. 24.

## CHAPTER 66.

### VOTE ACCEPTING THE REPORT OF THE COMMITTEE IN REGARD TO THE MOHAWKS SETTLING IN THIS PROV<sup>CE</sup>.

THE COMM<sup>TEE</sup> appointed to take under Consideration that Paragraph of his Honours Speech respecting the Western Tribes of Indians &c. together with the Report of the Comm<sup>tee</sup> respecting that Affair, report as their Opinion

Legislative  
Records of the  
Council, xix.,  
382.

That a Comm<sup>tee</sup> be appointed to contract for a Quantity of Land of the Contents of about three miles square including the Hop Land lying within the Township of Sheffield, and agree for an equivalent in Province Lands, or otherwise as they shall judge best. That there be two Schools built at the Charge of the Government, wherein the Indian Children may be instructed, one for the Boys & another for the Girls, that the House built for the boarding School be finished, In which the Master of the Boys School may live together with the Boys under his Care, it being expected

Legislative  
Records of the  
Council, xix.,  
373, 374. House  
Journal, pp. 62,  
63. Province  
Laws, iv., 561,  
note.

<sup>1</sup> *Sic.*

<sup>2</sup> Mass. Archives, cii., 662, here adds the word "next."

<sup>3</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is October 5.

that the Girls will be boarded at M<sup>r</sup>s Seargents in Case she undertakes to keep the School That the Maintenance of the Indian Children in said School both as to cloathing & dieting be at the Expence of the Government except so far as is provided for by M<sup>r</sup> Hollis, or by the Corporation for propogating the Gospell That there be two English Youths put into the Boys School in order to learn the Indian Tongue, that so they may be qualified for future Service to the Governm<sup>t</sup> among the Indians to be boarded at the Expence of the Government That M<sup>r</sup>s Ashley be retained as an Interpreter, who, together with her Husband may also be employed in the necessary Services of the Family, & that there be an expert & industrious Man procured to manage the Husbandry on the School Lands, & instruct the Youths therein & that proper utensils therefor be provided

That Provision be made for the subsistence of the Mohawk Familys together with what they may be able to supply themselves with by hunting, until they shall be able to raise something upon the Lands to subsist themselves, That a Letter be wrote to the Government of Connectient informing them of the measures taken by this Government for securing the six Nations to the British Interest, as well as for their Instruction, and that we hope & expect they will join in them & contribute towards the Expence.

That this Court do agree to the Proposals of Sir Peter Warren of appropriating the Sum of seven hundred Pounds sterl<sup>i</sup>ng in his hands for the educating the Mohawk Children, and that he be immediately advised thereof, and desired to transmit the same, and that it be let out at Interest & the Interest be applied to the Purposes aforesaid,

That a Letter be wrote to M<sup>r</sup> Hollis of London who has employed Capt Kellog to support & educate a Number of Indian Children at his Expence, that he be inform'd of Measures taken by this Governm<sup>t</sup> for the like Purposes & be desired to appoint one or more Trustees for the Managem<sup>t</sup> of his Charity, to act in concert with such Persons as may be appointed by the Governm<sup>t</sup> in carrying on said Design, and

That a Comm<sup>tee</sup> be accordingly appointed by this Court to carry into Execution the foregoing Design, that they be impowered to receive such Donations from Time to Time, as may or shall be offered for the Encouragem<sup>t</sup> & support of said School, That they have the Inspection & regulation of the Same, & the Managem<sup>t</sup> of all the Prudentials thereof, subject to such Directions & Instructions, as they shall receive from this Court from Time to Time, said Comm<sup>tee</sup> to be accountable & to be rewarded for their Service

JACOB WENDELL  $\psi$  order.

Read & Accepted. [Passed October 9.

## CHAPTER 67.

### ORDER ALLOWING THE ACC<sup>T</sup> OF THE TREAS<sup>R</sup> OF SUFFOLK COUNTY.

Legislative  
Records of the  
Council, xix.,  
353. Mass.  
Archives,  
cclvii., 203.

AN ACCOMPT presented by Edward Winslow Esqr Treasurer of the County of Suffolk, for the Year 1750 having been laid before the Court of General Sessions of the Peace for said County & by them allowed Read and

*Ordered* that the within accompt be allowed And that the Ball<sup>a</sup> Mass. thereof being Eighteen pounds four Shillings the said County be cxxvii., 203. accountable to S<sup>d</sup> Treasurer for. [Passed October 9.] House Jour- nal, pp. 10, 54, 61.

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## CHAPTER 68.

### VOTE ACCEPTING THE REPORT OF THE COMMITTEE APPOINTING A FARMER OF EXCISE FOR THE COUNTY OF SUFFOLK.

THE COMTEE appointed to Farm out the Excise upon spirituous Liquors &c for the County of Suffolk Beg Leane to Inform this Hon<sup>ble</sup> Mass. Court That they haue attended that service and Accordingly haue Farm'd out the Same to M<sup>r</sup> John Ruddock of Boston for two Thousand & fifty Eight pounds Thirteen shillings & 4<sup>d</sup> Lawfull money for one Year Commineeing the 29<sup>th</sup> day of June Last and hane Taken security for the payment there of and Delivered the same in to the province Treasury

Which is Humbly offerd

p SAM<sup>L</sup> WATTS<sup>1</sup>

In Council Read & sent down

In the House of Rep<sup>ues</sup> Read. [Passed\* October 9.]

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Mass. Archives, cxix., 511.  
House Journal, p. 63; p. 51 (November, 1752). *Ante*, p. 551, chap. 32.

## CHAPTER 69.

### VOTE DESIRING THE PROCLAMATION OF A PUBLICK THANKSGIVING.

*Voted* that His Hon<sup>r</sup> the Lieut<sup>t</sup> Gov<sup>r</sup> with the advice of His Maj- esty's Council, be desired in some convenient time to Issue out His Proclamation appointing a Day of General Thanksgiving, to be observed throughout this Province, in Consideration of the many Mercies receivied in the Course of the Year past, and forbidding all Servile Labour on said Day.<sup>2</sup> [Passed October 10.]

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Legislative Records of the Council, xix., 384. Mass. Archives, xiii., 259.

Mass. Archives, xiii., 260. House Journal, p. 65. Love's Fast and Thanks- giving Days of New England, p. 496.

## CHAPTER 70.

### ORDER FOR SETTLING PRICES OF COMMODITIES TO BE REC<sup>D</sup> FOR TAXES.

*Ordered* that such of the Eldest Councillors of each County as are now attending this Court, together with the Province Treas- urer forthwith proceed to agree upon & set the Prices of the sev- eral Species & Commodities which the Inhabitants of the Province have Liberty by Law to pay their Taxes in, and that the Determi- nation of the major part of them be valid in Law. [Passed October 10.]

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Legislative Records of the Council, xix., 384.

Mass. Archives, ci., 661. Province Laws, iii., 594, chap. 10.

<sup>1</sup> This chapter is not signed, but Mr. John Ruddock subsequently applies for the con- sideration of the court, as he asserts he paid too much for the privilege.—House Journal, p. 51, November 30, 1752.

<sup>2</sup> A public Thanksgiving was appointed for Tuesday, November 7, 1751. See Love's Fast and Thanksgiving Days of New England, p. 496.

## CHAPTER 71.

## ORDER IMPOWERING THE SELECTMEN OF SWANZEY TO CALL A TOWN MEETING.

House Journal, p. 61.  
Mass. Archives, cxvi., 135, 136.  
Mass. Archives, cxvi., 136.  
House Journal, p. 61 bis.

A PETITION of Mr. William Stead, Representative of the Town of *Swanzey*, shewing that sundry of the Officers chosen at the annual Meeting in *March* last, and at an Adjournment since, refuse to qualify themselves according to Law; they therefore pray they may have the Liberty to call another Meeting to chuse other Persons for the Service &c.

Read and

*Ordered* that the Select Men of the Town of *Swanzey* be and they hereby are Impowered to Issue their Warrant to the Constable of said Town for the Year 1750 to call a Town Meeting as soon as may be to make Choice of the remaining Town officers for the Year Curr<sup>t</sup> which should have been Chose in the Month of March last. And the said Town Officers when Chosen shall be as much Obliged (to all intents and purposes) to Serve in the said Offices to which they shall be respectively Chosen, as though they had been Chosen in the Month of March last. [Passed October 10.]

## CHAPTER 72.

## ORDER GRANTING TO BEN. CUDWORTH LICENCE TO KEEP AN INN.

Legislative Records of the Council, xix., 384. Mass. Archives, cxi., 226.  
Mass. Archives, cxi., 224. House Journal, p. 66.

A PETITION of Benjamin Cudworth of *Scituate* in the County of *Plimouth* shewing that for many Years past he has been an Inholder in said Town, that upon the last Term of the Court for granting Licences for said County he happened to be beyond Sea, & so lost the Opportunity of renewing his Licence, Therefore praying that the Court of General Sessions of the Peace for said County may be impowered to renew his Licence at their next Term

Read and

*Ordered* that the Justices of Gen<sup>l</sup> sessions of the Peace for the County of *Plym<sup>th</sup>* be allowed at their next Session (if they see cause) to grant the Pet<sup>r</sup> a Licence to keep a House of publick Entertainment. He first obtaining the approbation of the Select Men of the Town of *Scituate*.

The time for granting Licences being elapsed notwithstanding. [Passed October 10.]

## CHAPTER 73.

## VOTE IMPOWERING THE SELECTMEN OF REHOBOTH TO CALL A TOWN MEETING.

Legislative Records of the Council, xix., 384. Mass. Archives, cxvi., 146.  
Mass. Archives,

A PETITION of the Inhabitants of the Town of *Rehoboth*, Shewing that having not Chosen any Town Officers in their Anniversary Meeting in *March* they adjourned their Meeting into another Month, but being in doubt whether the Persons chosen in any other Month than *March*, are by Law obliged to serve, therefore praying that the

<sup>1</sup> The Council at first non-concurred in this order and the record of the non-concurrence is dated August 9, 1751, evidently a mistake for October 9, 1751. The House adhered to their original vote and the Council concurred therewith October 10, 1751.

Select Men for the Year 1750, may be impowered to call a Meeting <sup>cxvi., 145.</sup>  
for the Election of those Officers which should have been chosen & <sup>House Jour-</sup>  
that they be obliged to serve <sup>nal, p. 67.</sup>

*Voted* that the Select men of the Town of Rehoboth for the year 1750 be & they hereby are Directed & impowered to issue their Warrant to one of the Constables of S<sup>d</sup> Town for the year 1750. To Call a Town meeting as Soon as may be to make Choice of the Several Town officers for the year Currant which should have been Chose in the Month of March Last and the Said Town officers when Chosen Shall be as much obliged (to all intents & prnpurposes) To Serve in Said offices to which they shall be respectively Chosen as thô they had been Chosen in March Last. [Passed October 11.<sup>1</sup>

## CHAPTER 74.

### VOTE APPOINTING A COMMITTEE TO MANAGE THE AFFAIRS OF THE INDIANS OF THE SIX NATIONS WHO SHALL SETTLE WITHIN THE PROVINCE.

THE TWO HOUSES proceeded to choose by joint Ballot three Gentlemen for managing the Affairs of the Indians of the six Nations coming to settle within this Province

The following Gentlemen were this Day Elected by the Major Vote of the Council and House of Represent<sup>ves</sup> to be a Committee for Managing the Affairs of the Indians of the Six Nations that shall settle within this Province, viz,

JOSEPH DWIGHT Esq<sup>R</sup>  
JOSEPH PYNCHON Esq<sup>R</sup>  
CPT. JOHN ASHLEY

Legislative Records of the Council, xix., 385. Mass. Archives, xxxii., 216.

Legislative Records of the Council, xix., 384. House Journal, p. 67. Ante, p. 563, chap. 66.

Election consented to by the Governour. [Passed October 11.<sup>1</sup>

## CHAPTER 75.

### ORDER ALLOWING £6. 13. 4 TO JOS. BANE.

A MEMORIAL of Joseph Bane Interpreter of the Indian Language at the Truck House at S<sup>t</sup> Georges River, shewing that he is exposed to many Difficultys & Charges in his old Age, & praying that this Court would grant him some further Allowance for his better Support in the said Trust

Read and

Ordered that the Sum of Six pounds thirteen Shillgs and four pence be allowed out of the publick Treasury to the Pet<sup>r</sup> towards his Support for the present Year. [Passed October 11.

Legislative Records of the Council, xix., 385. Mass. Archives, cv., 389.

House Journal, pp. 64, 68. Ante, p. 420, chap. 29.

## CHAPTER 76.

### VOTE AUTHORIZING ANNUAL PRESENTS TO YE INDIANS AT THE EAST-WARD.

*Voted* that His Hon<sup>r</sup> the Lieu<sup>t</sup> Gov<sup>r</sup> be desired at the proposed Interview with the Indian Tribes at the Eastward; to give those

Legislative Records of the Council, xix.,

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is October 10.

386. Mass.  
Archives,  
xxii., 217.

Legislative  
Records of the  
Council, xix.,  
359, 360.  
House Jour-  
nal, p. 68.

Tribes Assurance in the name and on the behalf of this Government that so long as they continue in Friendship with the English and keep firm and inviolable the Peace made, They may depend upon receiving from this Govern<sup>mt</sup> in the Month of October annually, a Present in token of the Friendship Subsisting between them and this Government. [Passed October 11.]

## CHAPTER 77.

### ORDER GRANTING TO DAN'L DANA LICENCE TO RETAIL SPIRITUOUS LIQUORS.

Legislative  
Records of the  
Council, xix.,  
386. Mass.  
Archives,  
xxix., 515.

Mass.  
Archives,  
exix., 514.  
House Jour-  
nal, p. 66.

A PETITION of Daniel Dana of Cambridge shewing that the Inhabitants of said Town on the South Side of Charles River have obtained of the Select Men of said Town their Approbation of the Petitioners being a Retailer of strong Drink Therefore praying that this Court would impower the Court of General Sessions of the Peace to grant him a Licence accordingly

Read and

*Ordered* that the Justices of the Gen<sup>l</sup> Sessions of the Peace for the County of Middlesex be allowed to grant the Pet<sup>r</sup> a Licence (if they see cause) at their next Session to retail Spirituous Liqu[ors &c]<sup>1</sup> the time therefor by Law being elapsed notwithstanding. [Passed October 11.]

## CHAPTER 78.

### ORDER ALLOWING £4 TO MOSES HOYT.

Legislative  
Records of the  
Council, xix.,  
386. Mass.  
Archives,  
lxiv., 43.

House Jour-  
nal, pp. 64, 68.  
*Ante*, p. 471,  
chap. 155.

A PETITION of Moses Hoyt of Newbury shewing that the Wounds that he received at the Seige of Louisburg still remain unhealed by which Means he is rendred unable to support himself & Family, and therefore praying for a further Allowance from this Court

Read and

*Ordered* that the Sum of four pounds be allowed by the Comm<sup>ee</sup> of War to Mr Riehard Kent for the Use of the Pet<sup>r</sup> in consideration of his Sufferings above mentioned. [Passed October 11.]

## CHAPTER 79.

### ORDER ALLOWING CAPT THOS SAUNDERS TO MAKE UP HIS MUSTER ROLL.

Legislative  
Records of the  
Council, xix.,  
386. Mass.  
Archives,  
lxiv., 462.

Mass.  
Archives,  
lxiv., 460.  
House Jour-  
nal, pp. 65, 67.  
*Ante*, p. 431,  
chap. 59.

A PETITION of Capt Thomas Saunders Commander of the Sloop Massachusetts shewing that in August 1750 he was Ordered by His Honour the Lientenant Governour to attend his Majestys Ship Success, The Right Hon<sup>ble</sup> The Lord Colvill Commander on a Craize to the Eastward, in which Service he continued with the said Sloop & Company for the Space of Nineteen Days, which being a Service over & above what he agreed for with this Govern<sup>mt</sup>, Therefore praying that he may be allowed to make up his Muster Roll for the Same, as also for Twenty one Days extraordinary Attendance on the Indians.

Read and

<sup>1</sup> MS. mutilated.

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and the Pet<sup>r</sup> is allowed to make up a Muster roll for the forty Days mentioned accordingly. [Passed October 11.]

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## CHAPTER 80.

### ORDER REFERRING ALL UNFINISHED MATTERS.

Legislative  
Records of the  
Council, xix.,  
387.  
House Jour-  
nal, p. 68.

*Ordered* that all Matters now before the Court which shall not be passed upon this sitting shall have the same Day on the next sitting of this Court. [Passed October 11.]

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## CHAPTER 81.

### ORDER ALLOWING £73. 13. 11 FOR THE EXPENSES OF THE COMMITTEE APPOINTED TO PROVIDE FOR THE MOHAWKS AT STOCKBRIDGE.

A MEMORIAL of Joseph Pynchon Esq<sup>r</sup> shewing that in October 1750, he with Josiah Dwight Esq<sup>r</sup> & Capt John Ashley were appointed by this Court a Comm<sup>tee</sup> to provide for the Mohawks at Stockbridge, that several Sums of Money were ordered to be paid out of the publick Treasury, thô not sufficient to defray the necessary Charge, That for want of Money in the Treasury the Comm<sup>tee</sup> have been obliged to defray the Charge with their own Money & Credit & therefore praying that the Ballance of their Accompt may be allowed, & that some Measures may be taken that they may receive out of the Treasury the Money granted, or that may be granted for their Service.

Legislative  
Records of the  
Council, xix.,  
387. Mass.  
Archives,  
xxxii., 221.  
Mass.  
Archives,  
xxxiii., 218–221.  
House Jour-  
nal, p. 69.  
*Ante*, p. 450,  
chap. 107.

Read and

*Ordered* that there be allowed the Comm<sup>ee</sup> within named (exclusive of their Expence and Services) Seventy three pounds thirteen Shillings and eleven pence the Ball<sup>a</sup> of the Annexed Account out of the publick Treasury. [Passed October 11.]

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## CHAPTER 82.

Legislative  
Records of the  
Council, xix.,  
387. Mass.  
Archives,  
Ixv., 464.

### ORDER TO THE COMMITTEE CHARGED WITH THE CARE OF THE MASSACHUSTTS FRIGATE.

House Jour-  
nal, p. 139  
(January,  
1750); p. 68.  
*Ante*, p. 555,  
chap. 47.

*Ordered* that the Comm<sup>ee</sup> app<sup>ted</sup> in February last to improve or dispose of the Mass<sup>a</sup> Frigate be directed to take the more immediate care of her preservation till the further Order of this Court. [Passed October 11.]

## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-SEVENTH DAY OF DECEMBER, A.D.  
1751.

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### CHAPTER 83.

#### ORDER GRANTING TO JOHN WARD LICENCE TO KEEP AN INN.

Legislative  
Records of the  
Council, xix.,  
390. Mass.  
Archives, cxii.,  
230.

Mass.  
Archives, cxii.,  
229. House  
Journal, p. 73

A PETITION of John Ward of Lynn Inholder shewing that he depended on one of His Friends to give Recognizance for him according to Law for his Licence, which by Reason of His omitting to do the proper Time is lapsed, Therefore praying that he may be now allowed to recognize & take up his Licence

Read and

*Ordered* that the Justices of the General Sessions of the Peace for the County of Essex be empowered at their next Session to Grant the Pet<sup>r</sup>a Licence (if they See cause) to keep a House of publick Entertainment the ensuing Year, the Stated time for granting Licences being elapsed notwithstanding. [Passed December 28.]

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### CHAPTER 84.

#### ORDER GRANTING TO JNO THORNDYKE JUN<sup>E</sup> LICENCE TO KEEP AN INN.

Legislative  
Records of the  
Council, xix.,  
390. Mass.  
Archives, cxii.,  
233.

Mass.  
Archives, cxii.,  
222. House  
Journal, p. 73.

A PETITION of John Thorndyke jun<sup>r</sup> of Beverly Inholder shewing that by Mistake he missed taking out his Licence for the present Year till the Time was elapsed, therefore praying that he may be allowed to recognize, & take out his Licence at the next Court of General Sessions of the Peace in Essex

Read and

*Ordered* that the Justices of the Gen<sup>l</sup> Sessions of the Peace for the County of Essex be empowered at their next Session to Grant the Pet<sup>r</sup>a Licence (if they See cause) to keep a House of publick Entertainment the ensuing Year, the Stated time for granting Licences being elapsed notwithstanding. [Passed December 28.]

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### CHAPTER 85.

#### ORDER GRANTING TO THO. MUNROE LICENCE TO KEEP AN INN.

Legislative  
Records of the  
Council, xix.,  
391. Mass.  
Archives, cxii.,  
235.

A PETITION of Thomas Munroe of Concord shewing that he has lately purchased of Ephraim Jones his House in said Town, which is Convenient for a Tavern, & where a Tavern has been kept for divers Years, praying that the Court of General Sessions of the

Peace for the County of Middlesex, maybe impowered to grant him a Licence at their next sitting by Adjournm<sup>t</sup>

Mass.  
Archives, exi.,  
234. House  
Journal, p. 73.

Read and

*Ordered* that the Justices of the Gen<sup>l</sup> Sessions of the Peace for the County of Middlesex be allowed and impowered at their adjournment on the first tuesday of January next to grant the Pet<sup>r</sup> a Licence (if they See cause) to keep a House of publick Entertainm<sup>t</sup> the ensuing Year the stated time for granting Licences being elapsed notwithstanding. [Passed December 28.]

## CHAPTER 86.

### ORDER IMPOWERING THE JUSTICES OF THE COURT OF GENERAL SESSIONS TO TAKE BOND OF EBENEZER CHOATE.

A PETITION of Ebenezer Choate of Newbury Innholder, shewing that through Mistake, he has failed of giving Recognizance & of taking out his Licence in the proper Season, & therefore praying that the Justices of the Court of General Sessions of the Peace for the County of Essex, may be impowered to take his Bond & grant him a Licence at their present Session.

Legislative  
Records of the  
Council, xix.,  
332. Mass.  
Archives, exi.,  
223.

Read &

*Ordered* that the Justices of the Court of Gen<sup>l</sup> Sessions of the Peace to be held at Salem within & for the County of Essex on Tuesday the 31<sup>st</sup> Instant, be, & they hereby are impowered to take Bond of the Pet<sup>r</sup> for the Purposes within mentioned in Manner as by Law prescribed. [Passed December 31.]

Mass.  
Archives, cxii.,  
227. House  
Journal, p. 76.

## CHAPTER 87.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE COMPLAINTS OF THE NANTUCKET INDIANS.

A PETITION of divers Indians of Nantucket complaining of the English Inhabitants of the said Island making Encroachm<sup>ts</sup> upon their Lands & of other Acts of Opression, praying for redress from this Court

Legislative  
Records of the  
Council, xix.,  
390, 392. Mass.  
Archives,  
xxxii., 276.

The Comm<sup>tee</sup> appointed to Consider the Petition of a Number of Indians Inhabitants of Nantucket have met & heard two of said Indians thereupon, who further alledge that they are owners of one half of said Island, altho the English set up a Claim to a greater Proportion, in Consequence of a late Indian Deed, The Comm<sup>tee</sup> are therefore humbly of Opinion, that the Guardians of said Indians be served with a Copy of their Petition & of the Evidences brought to Support it, and that the said Guardians notify the English Inhabitants, who may be effected thereby that so they make Answer thereto, as soon as may be, & that the said Guardians be directed likewise to make a Representation of Facts relating to this Affair at the Same Time, That so the Court may give the necessary Orders about it, and in the mean Time that the said Guardians be directed to take effectual Care that the Indians be supported & protected in the Enjoyment of their wonted Priviledges & Improvements

Mass.  
Archives,  
xxxii., 275, 385-  
392. House  
Journal, pp. 73,  
74, 76. *Anne*,  
p. 270, chap. 19.

JACOB WENDELL  $\wp$  Order

Read & Accepted &

*Ordered* that the English Inhabitants of Nantucket concerned in the Affair within mentioned give in their Answer to the Indians Complaint, & the Guardians of the Indians their Representation of y<sup>e</sup> Facts, on the first Fryday of the next Sitting of this Court. [Passed December 31.]

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## CHAPTER 88.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE LT GOV<sup>RS</sup> SPEECH IN REGARD TO THE STATE OF THE PROVINCE TREASURY, ETC.

Legislative  
Records of the  
Council, xix.,  
391. Mass.  
Archives,  
cviii., 438.

Mass.  
Archives,  
cviii., 437.  
Legislative  
Records of the  
Council, xix.,  
389. House  
Journal, p. 76.  
Province  
Laws, iii., 559,  
note. *Ante*,  
p. 555, chap.  
46.

THE COMM<sup>TEE</sup> appointed to take under Consideration His Honour's Speech at the Opening of the Session & to make Report, having attended the Service are humbly of Opinion, that the Treasurer be directed forthwith to lay before the Court a full & Correct State of the Province Treasury, setting forth therein the whole Sum that has at any Time been by him received & paid, of which an Account has not yet been rendered, together with the whole of the Debt due to the Province from the several Creditors of the Revenue of the Gov<sup>rnm<sup>t</sup></sup>

<sup>1</sup> As also of the whole Sum that this <sup>1</sup> due from the Province for Principal & Interest of Moneys borrowed and remaining unpaid & the Sum now lying in his Hands, either in Silver or Gold or Bills of Credit

The Comm<sup>tee</sup> are further of Opinion that altho' there may have been Instances of Persons in some parts of the Province, presuming to receive & pass the Bills of the other Governments, yet that the Laws already in being are sufficient & that this mischevions Practice must arise from a Want of due Attention to the Laws in the several Persons who are concerned to put them in Execution

The Comm<sup>tee</sup> have made some Inquiry from Persons acquainted therewith, into the Circumstances of the German Families lately imported, & it appears that some of them are in Danger of Suffering during the Winter Season; and therefore the Comm<sup>tee</sup> are of Opinion that a more particular Inquiry be made into this Affair, that so such of the said Germans as are incapable of supporting themselves may receive such Releif as may be thought proper

The Comm<sup>tee</sup> are further of Opinion that in as much as the intended Conference with the Indians the last Fall, was prevented, It is therefore necessary a Conference should again be propos'd & had with with <sup>2</sup> the said Indians as soon as the Season of the Year & other Circumstances will admit.

JACOB WENDELL *p* Order

Read &

*Ordered* that this Report be accepted. [Passed January 1.<sup>3</sup>]

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## CHAPTER 89.

### VOTE ACCEPTING THE REPORT OF THE COMMITTEE ON THE LETTER OF AGENT BOLLAN.

Legislative  
Records of the  
Council, xix.,  
393.

THE COMM<sup>TEE</sup> appointed to Consider Mr Agent Bollans Letter & to make Report have met several Times on the Affair, & made some

<sup>1</sup> Mass. Archives, cviii., 437, reads, "is."

<sup>2</sup> Sic.

<sup>3</sup> This date is according to Mass. Archives; according to Legislative Records of the Council and the House Journal the date is December 31.

Progress therein, but finding it will be necessary that several Persons should be sent from Salem to Boston in order to give Evidence to certain Facts, relating to the Trade between the English & French in America, & as this will occasion some Charge, the Comm<sup>tee</sup> thought it their Duty to make Report thereof & to take the Direction of your Honours thereon, which is humbly offered.

JACOB WENDELL *p* Order

Legislative  
Records of the  
Council, xix.,  
382. House  
Journal, p. 77.

[Read &]

*Voted* that the Comm<sup>tee</sup> within mentioned have Liberty to send for what Evidences they shall think Material in Order to have them sworne by His Honour; The Governm<sup>t</sup> to be at the C[h]arge of their coming to Boston. [Passed January 1.

## CHAPTER 90.

### ORDER GRANTING TO JOS. PERKINS LICENCE TO KEEP AN INN.

A MEMORIAL of Joseph Perkins of Chebacco shewing that there is no Person licenced in said Precinct to keep a House of publick Entertainment which occasions great Inconveniences to Strangers that come there, that the Petitioner has obtained the Approbation of the Select Men of Ipswich, for his keeping such House, & therefore praying that the Court of General Sessions of the Peace for the County of Essex may be impowered to grant him a Licence in their present Term.

Legislative  
Records of the  
Council, xix.,  
394. Mass.  
Archives, exi.,  
236.  
House Jour-  
nal, p. 77.

Read &

*Orderd* that the Court of Gen<sup>ll</sup> sessions of the peace for the County of Essex now sitting at salem be & hereby Are impowered to grant the Pet<sup>r</sup> Licence to keep a Publick House of Entertainment at Chebacco in Ipswich the Time for grant<sup>g</sup> Licences being Elapsed notwithstanding he first obtaining the Approbation of the select Men. [Passed January 1.

## CHAPTER 91.

### VOTE FOR SUPPLY<sup>G</sup> THE GERMAN EMIGRANTS W<sup>TH</sup> BLANKETS &c.

*Voted* that the Commissary Gen<sup>ll</sup> be directed to supply mr Etter with Blanketts & beds, now in his hands, not Exceeding Tenn of each for the use of those of the poor Germans who are now suffering by Reason of the severity of the season, The blanketts & beds to be returned, when the Germans have done w<sup>th</sup> them & in case the Commissary has not a number sufficient he is then directed to purchase so many as shall be wanting to enable him to comply with this order. [Passed January 2.<sup>1</sup>

Legislative  
Records of the  
Council, xix.,  
393. Mass.  
Archives, xv<sup>a</sup>,  
107.  
House Jour-  
nal, pp. 76, 77.  
Province  
Laws, iii., 559,  
note. *Ante*, p.  
572, chap. 88.

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council and the House Journal the date is January 1.

## CHAPTER 92.

## ORDER CONFIRMING A GRANT OF 250 ACRES OF LAND TO THO. FAIRBANKS.

Legislative Records of the Council, xix., 334. Mass. Archives, xvi., 239.

Mass. Archives, xvi., 237, 258. House Journal, p. 78. *Ante*, p. 550, chap. 29.

Two PLATS of Land laid out by Joseph Wilder Junr & Chainmen under Oath for Thomas Fairbanks to fulfill a Grant made to his Father Jabez Fairbanks,

The First bounding South on the Line that was marked for the North Line of New Salem, & every other Way by Province Land, begining at a white Pine Tree, The South West Corner, thence running East one hundred & seventy six Rods, to a Pillar of Stones, the South East Corner, Thence North 29°. 00 West, two hundred Rods, to a Pitch Pine Tree the North East Corner, Thence running West 16°. 00 South, One hundred & sixteen Rods to a Stake, the North west Corner, from thence running South 10°. 00 East, One hundred & thirty one Rods, to where it began. This Plat contains one hundred & forty one Acres; The other Plat of One hundred & nine Acres lying on Millers River, between the Grant of 4,000 Acres made to Salem, & Paquoig, bounding North by Millers River & every other Way by Province Lands, begining at a Stake by said River, & thence running West 45°. 00 South, fifty three Rods to a Stake, the North West Corner, Thence running South 10°. 00 East, One hundred & nine Rods to a Pitch Pine Tree the South West Corner, Thence running East 13°. 00 South, one hundred & twenty three Rods to a Pitch Pine Tree the North<sup>1</sup> East Corner [Thence running North, 10°. 00 One hundred & twenty four rods to a Pitch Pine Tree the North East Corner],<sup>2</sup> standing on the Bank of Millers River & from thence by the said River to the Place where it began.

Read and

*Ordered* that the within Plans be accepted and that the two hundred and fifty Acres of Land herein delineated and described be and hereby are confirmed to the within named Thomas Fairbanks His Heirs and Assigns for ever. Provided the Plans exceed not the quantity of the Grant and do not interfere with any former Grant.  
[Passed January 2.

## CHAPTER 93.

## VOTE ALLOWING TAXES TO BE PAID BY BILLS OF CREDIT OR BY GOVERNMENT NOTES.

Legislative Records of the Council, xix., 335. Mass. Archives, vii., 655.

House Journal, pp. 79, 80. Province Laws, iii., 582, chap. 10; 606, note. *Ante*, p. 563, chap. 65.

WHEREAS by an Act Entituled “an Act for apportioning & assessing a Tax of £30,394. 8. 8 and also for Apportioning & Assessing a Further Tax of £5,290. 11. 4 paid the Representatives for their service & Attendance in the General Court & Travel, And for Fines laid on several Towns for not sending a Representative Amouning in the whole to £35,685” Among other things it is Enacted

“That the Inhabitants of this Province shall have full Liberty, to pay in the several Sums, which they shall respectively be Assessed in pursuance of that Act, in bills of Credit on this Province; provided

<sup>1</sup> This is evidently a clerical error, as the surveyor's description makes it the South East corner.

<sup>2</sup> Inserted from the State Library copy, Legislative Records of the Council, xix., 407.

they pay the bills aforesaid to the Collectors of said Assessment on or before the last day of Decem<sup>r</sup> 1751.”

And Whereas by a Resolve of this Court the 5<sup>th</sup> of Octo<sup>r</sup> last the Treasurer is directed to receive of the Collec<sup>rs</sup> of Taxes any of the Government notes which are payable on or before the 31<sup>st</sup> Dec<sup>r</sup> 1751 for the payment of their respective Collections accounting principal Interest & premium due thereon, provided said Notes were brought into the Province Treasury on or before the said 31<sup>st</sup> of Decem<sup>r</sup> 1751

And Whereas said Time is Elapsed & the whole of the Tax is not yet paid in, to the Collec<sup>rs</sup> impower'd to Collect the same, by reason that the Warrants for Collecting came to them so late, that it has been almost Impracticable, fully to Effect the Same: And as by the Act aforesaid, the Collec<sup>rs</sup> have Time allowd them to the 31<sup>st</sup> March next to settle their Accounts with the Province Treasurer, Therefore

*Voted* that the Inhabitants of the Province have full Liberty to pay the several sums, which they are respectively Assessd in bills of Credit as afores<sup>d</sup> or in Government notes that were payable the 31<sup>st</sup> of Decem<sup>r</sup> last, Account<sup>s</sup> principal & premium as also the Interest due thereon, untill the said 31<sup>st</sup> day of December last and no longer. [Passed January 3.

## CHAPTER 94.

### ORDER OF NOTICE ON THE PETITION OF WM WARE COMPLAINING OF AN ASSESSMENT.

A PETITION of William Ware of Dighton complaining of the Assessors of Norton for assessing him upon Account of a Farm in said Town, which he had before sold & for as much as the Petitioner has applied to the Court of General Sessions of the Peace for the County of Bristol for remedy but Cannot obtain it, Therefore praying for Releif from this Court.

Read and

Ordered that the Pet<sup>r</sup> serve the Assessors of the South Precinct of the Town of Norton for the Year 1750 with a copy of this Pet<sup>n</sup> that they shew cause if any they have on the second fryday of the next Sitting of this Court why the Prayer thereof Should not be granted.<sup>1</sup> [Passed January 3.

Legislative  
Records of the  
Council, xix.,  
395. Mass.  
Archives, cv.,  
397.

Mass.  
Archives, cv.,  
396. House  
Journal, p. 79.

## CHAPTER 95.

### ORDER IMPOWERING BENJA [ROBERT] WATERMAN, ADMINISTRATOR, TO SELL PART OF AN ESTATE.

A PETITION of Benjamin Waterman,<sup>2</sup> Administrator of the Estate of Benjamin Eaton, late of Kingston, in the County of Plimouth Dec<sup>d</sup> shewing that the Debts from the said Estate amount to £20. 14. 9 more than the Personal Estate will Discharge, and for as much as the Time for the Sitting of the Superiour Court in the said County is at a Considerable Distance therefore praying that this Court would

Legislative  
Records of the  
Council, xix.,  
396. Mass.  
Archives,  
xviii., 819.

Mass.  
Archives,  
xviii., 819, 820.

<sup>1</sup> At the hearing December 1, 1752 (House Journal, pp. 52, 53), this petition was dismissed.

<sup>2</sup> The petition in Mass. Archives, xviii., 819, is signed “Robert Waterman.”

House Journal, pp. 78, 80.  
Province Laws, *it.*, 151,  
chap. 10.

impower him to sell so much of the real Estate as will discharge said Debts.

Read and

*Ordered* that the Pet<sup>r</sup> be and he hereby is Impowered to make a Legal Sale of so much of the Decd's real Estate, as amounts to the Sum of twenty pounds fourteen Shillings and Nine pence, being what the said Estate is in Debt, with the necessary Charges arising thereon He observing the Province Law respecting the Sale of Intestate Estates, and giving Security to the Judge of Probates for the County of Plym<sup>th</sup> to apply the Proceeds of such Sale to the payment of the Just Debts of the Dec'd, and necessary Charges And to be accountable for the Overplus if any there be, arising by said Sale to the said Judge of Probate for the County aforesaid.

[Passed January 3.]

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## CHAPTER 96.

### RESOLVE IMPOWERING JA<sup>S</sup> SLOAN TO COLLECT TAXES.

Legislative Records of the Council, xix., 336. Mass. Archives, cxvi., 161.

Mass. Archives, cxvi., 160. House Journal, pp. 78, 80.

A PETITION of James Sloan of Townshend in the County of Middlesex shewing that in the Year 1747, he took upon him the Office of Constable of the said Town in the Room of John Conant, who was chosen in a legal Town Meeting, & the Petitioner was then accepted & sworne into the said Office but thrō Mistake the Town Clerk omitted to make a Record thereof, by which Means he finds great Difficulty among some of the Inhabitants to collect the Taxes committed to him by the Assessors, therefore praying for Releif from this Court.

Read and thereupon

*Resolved*<sup>1</sup> that the said James Sloan be and hereby is fully Impowered and Authorized to Collect the remaining part of the Taxes yet unpaid in his Rate List as fully as though it had been recorded in the said Town Records that the said James was Chosen and Sworn to the discharge of said Trust. [Passed January 3.]

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## CHAPTER 97.

### ORDER GRANTING TO WM HICKLING LICENCE TO RETAIL SPIRITUOUS LIQUORS.

Legislative Records of the Council, xix., 337. Mass. Archives, cxix., 519.

Mass. Archives, cxix., 518. House Journal, p. 82.

A PETITION of William Hickling Distiller shewing that His Business immediately leads him to the selling small Quantities of Rum which he would not willingly do without Licence, & therefore praying that the Court of General Sessions of the Peace for the County of Suffolk, may be impowered at their next Term to grant him a Licence for retailing.

Read and

*Ordered* that the Justices of the Gen<sup>l</sup> Sessions of the Peace for the County of Suffolk be allowed to grant the Pet<sup>r</sup> a Licence to retail strong Liquors the ensuing Year (if they See cause) at their next Session, He first obtaining the approbation of the Select Men of Boston the stated time for granting Licence being elapsed notwithstanding. [Passed January 4.]

<sup>1</sup> The House Journal. p. 80, reads, “ *Ordered.*”

## CHAPTER 98.

VOTE ON THE PET<sup>N</sup> OF PELEG LAWRENCE & OTHERS OF DUNSTABLE  
TO BE ANNEXED TO GROTON.

A PETITION of Peleg Lawrence, William Prescott, Jeremiah Lawrence & James Colburn of Dunstable, shewing that the Petitioners with their Families are settled upon a Strip of Land that lies at a great Distance from the Body of the said Town, & bordering upon the second Parish in Groton, & but two Miles & an half distant from the Meeting House there, & therefore praying that they may be annexed to the Town of Groton & the second Precinct in said Town.

[Read &]

*Voted* that the prayer of the Petition be so farr granted that the Said strip of Land prayed for, that is the Jurisdiction of it be Annex'd to the Town of Groton & to ye Second Precinct in said Town & to doe dutys there & to receive Priviledges from them.  
[Passed January 6.]

Legislative  
Records of the  
Council, xix.,  
397. Mass.  
Archives,  
exvi., 163.

Mass.  
Archives,  
cxvi., 162.  
House Jour-  
nal, p. 83.

## CHAPTER 99.

VOTE GRANTING 300 ACRES OF LAND TO M<sup>R</sup> BENJ<sup>A</sup> RUGGLES.

A PETITION of Benjamin Ruggles Pastor of a Church in Middleborough setting forth the Difficulties he is under for his Support, by Reason of his People's Poverty, as also that he purchased divers Years ago a Narragansett Right of one Benjamin Downing, but thô he apprehends his Claim to be valid he has not been able to receive any Benefit from it, & therefore praying that this Court would make him a Grant of three Hundred Acres of Province Land

Legislative  
Records of the  
Council, xix.,  
397. Mass.  
Archives,  
265.

Mass.,  
Archives, xiii.,  
264–266. House  
Journal, pp. 79,  
83.

Read &

*Voted*<sup>1</sup> that in Consideration of the Particular Circumstances of the Peti<sup>r</sup> & to satisfie the right or Claim of Benjamin Downing therein mentioned there be granted to the Peti<sup>r</sup> Three hundred Acres of Land out of the Unappropriated Lands of the Province provided the Peti<sup>r</sup> make a survey thereof adjoyning to some Township already laid out & make a Return thereof to this Court in One Year and build a House thereon of Eighteen feet Square & seven feet stud & Clear up & fit for Tillage five Acres thereof & settle a Family thereon within five Years from the return of the said Plan.  
[Passed January 6.]

## CHAPTER 100.

VOTE GRANTING TO AARON RICE LICENCE TO KEEP AN INN.

A PETITION of Aaron Rice of Rutland shewing that he has for divers Years past, kept a Tavern in said Town but this Year omitted to take out his Licence at the proper Season, but has since been much importuned by the People there to continue in that Employment & therefore praying that the Court of General Sessions of the Peace for the County of Worcester may be impowered to grant him a Licence for this present Year.

Legislative  
Records of the  
Council, xix.,  
398. Mass.  
Archives, exi.,  
231.

Mass.,  
Archives, exi.,  
231. House  
Journal, p. 88.

The House Journal, p. 83, reads, “Ordered.”

[Read &]

*Voted* that the Justices of the Court of General sessions of the Peace for the County of Worcester be enabled at their next Term to grant a Licence to the Pet<sup>r</sup> to keep a House of Publick Entertainment in Ruttlend he first obtaining the Approbation of the select Men, the Time for granting such Licences being Elaps'd Notwithstand<sup>g</sup>. [Passed January 7.]

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## CHAPTER 101.

### ORDER CONFIRMING A GRANT OF 300 ACRES OF LAND TO JOHN LYDSTONE.

Legislative  
Records of the  
Council, xix.,  
398. Mass.  
Archives,  
lxxviii., 678.

Mass.  
Archives,  
lxxviii., 676.  
House Jour-  
nal, p. 74.  
*Ante*, p. 478,  
chap. 175.

A PLAT of Three hundred Acres of Land laid out by John Godfree Surveyor & Chainmen under Oath, to fullfil a Grant made by the General Court in Febr<sup>y</sup> 1750, to John Lydstone [of] Kittery, scituate Northerly from the Town of Berwick, North Westerly from Phillips Town, & adjoining to a former Grant made & laid out to M<sup>r</sup> William Moor.

Read and

*Ordered* that the within Plan be accepted and the lands therein delineated and described be and they hereby are confirmed to the within named John Lydstone His Heirs and Assigns for ever Provided the Plan exceeds not the Quantity of the Grant and does not interfere with any former Grant. [Passed January 7.]

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## CHAPTER 102.

### ORDER IMPOWERING JN<sup>O</sup> CODMAN TO ENTER AN APPEAL.

Legislative  
Records of the  
Council, xix.,  
394, 399.

Mass.  
Archives,  
xliii., 490-494.  
House Jour-  
nal, pp. 79, 88.

A PETITION of John Codman of Charlestown shewing that he was sued by Caleb Dana, at the last Inferior Court of Common Pleas for the County of Middlesex in December last, that Judgm<sup>t</sup> went against him, in which Case he had Ordered His Attorney to Appeal, which thô Forgetfulness he neglected to do & therefore praying that He may be allowed now to appeal from the said Judgment, to the Superior Court of Judicature for said County to be held this Present Month, upon his rerecognizing to prosecute his Appeal before one of the Justices of the said Inferior Court & that Execution be stayed

Read with the Answer of Caleb Dana & the Matter being duly Considered,

*Ordered* that the Prayer of the Petition be granted & that the Petitioner be & h[er]eby enabled to enter his Action, as thô he had appealed to the Superior Court, & make an issuable Plea to said Action, & the said Court are hereby enabled to hear & determine said Cause & award Execution thereon. And that the Petitioner pay to the original Plaintiff the Costs he has already been at, & give Security to the Sheriff of the County of Middlesex to pay [the Plaintiff] what he shall finally Recover. [Passed January 8.]

## CHAPTER 103.

ORDER OF NOTICE ON THE PETITION OF MATT<sup>S</sup> HOW TO PROSECUTE  
AN APPEAL.

A PETITION of Matthias How of Rutland shewing that at the Inferior Court of Common Pleas for the County of Worcester he prosecuted an Appeal from a Judgment of John Chandler Esq<sup>r</sup> one of His Majesty's Justices of the Peace for the said County in a Cause between the Petitioner & one Patrick McGregory, & that after the Cause was committed to the Jury, & while they were considering it, the Petitioner was arrested by John Chandler jun<sup>r</sup> Esq<sup>r</sup> Sheriff of the said County by virtue of a Warrant of Distress from the Province Treasurer & detained as a Prisoner, so that for want of his Appearance at Court, Judgment went against him, altho' the Jury had agreed upon their Verdict in favour of the Petition<sup>r</sup> complaining also of other unfair dealings from the Sheriff & his Deputy & therefore praying for redress from this Court, & that he may also be allowed to prosecute his Appeal to Effect.

Read &

*Ordered* that the Petition<sup>r</sup> serve the Adverse party as also John Chandler Esq<sup>r</sup> Sheriff of the County of Worcester, & John Curtis his deputy sheriff with a Copy of this Petition that they shew Cause if any they have, on the first Fryday of the next sitting of this Court, why the prayer thereof should not be granted. [Passed January 8.

Legislative Records of the Council, xix., 339. Mass. Archives, xliii., 497.

Mass. Archives, xliii., 495-500. House Journal, p. 90.

## CHAPTER 104.

VOTE ALLOWING £18. 7. 6 TO CAPT. PHIN<sup>S</sup> STEVENS.

A MEMORIAL of Capt Phineas Stevens, shewing that when he was at Canada, the last Year in the Service of this Governm<sup>t</sup> he advanced £315 Livers for the redemption of one Timothy Whitten an English Prisoner belonging to this Province, praying that he may be reimbursed that Sum out of the Province Treasury.

Legislative Records of the Council, xix., 400. Mass. Archives, lxxiv., 51. House Journal, pp. 82, 90.

[Read &]

*Voted*<sup>1</sup> that the Prayer of the Memorialist be granted & that the sum of Eighteen pounds seven shillings & six pence Equal in Value to 315 Livers, by him Advanced for the redemption of Timothy Whitten be allowed & paid the s<sup>d</sup> Memorialist out of the Publick Treasury. [Passed January 8.

## CHAPTER 105.

## ORDER FOR ADJOURNING COURTS IN BARNSTABLE COUNTY.

WHEREAS by Law the Court of General sessions of Peace & Inferior Court of Common pleas for the County of Barnstable are to be held at Barnstable on the 3<sup>d</sup> Tuesday of Jan<sup>r</sup>y Inst<sup>t</sup> & the sittin of said Courts at that Time may be Attended with more Trouble & Expence to all concern'd, than Advantage

Therefore

Legislative Records of the Council, xix., 339. Mass. Archives, xliii., 525. House Journal, pp. 85, 89.

<sup>1</sup> The House Journal, p. 90, reads, "Ordered."

Province Laws, iii., 64,  
chap. 32.

*Orderd* that the said Courts of General sessions of the peace & Infer<sup>r</sup> Court of Common pleas be & they hereby are adjourned to the third Tuesday of march next, And all Officers, & Others Concern'd in said Courts are to Conform themselves Accordingly, & that all processes & other matters & things depending in said Courts, & which are by law to be heard Tryd & proceeded upon at said Term shall be heard Try'd & proceeded upon at said Conrt in march next, & the Justices of said Courts are hereby required to Conform themselves Accordingly. [Passed January 9.<sup>1</sup>]

## CHAPTER 106.

### VOTE RESPECT<sup>G</sup> THE SETTLERS OF PAYQUAGE TOWNSHIP.

Legislative Records of the Council, xix., 401. Mass. Archives, cxvi., 246.

House Journal, pp. 82, 87, 94, 95. Province Laws, xii., 70, chap. 125; 744, chap. 82.

WHEREAS the Great and General Court in the Year One thousand seven hundred and thirty two Ordered that a Township shold be opened at Pequig afterward Chose a Committee & Impowe[red]<sup>2</sup> them to admit Sixty Setlers on said Lands who were to perform certain Conditions in order to Entitle themselves unto said Lands within five years from their admission and in Case said persons admitted as setlers should fail of performing said Conditions in whole or in part the Lands were to Revert to the Province, and it appears by the Return of the Clerk of Pequig that twenty one of the said persons admitted Setlers either by themselves or assignees have fully Complied with said Condit[ions]<sup>2</sup> Viz<sup>t</sup> Zachariah Field, Richard Moreton, Samuel Mort[on]<sup>2</sup> Ephraim Smith Nathan Wait Joseph [Lord]<sup>2</sup> John Smeed Abraham Nutt John Wood William Oli[ver Ezekiel]<sup>2</sup> Wollingford Nathaniel Graves Joseph Harrington [James]<sup>2</sup> Kellogg Abner Lee James Jones John Child James Holden Ebenezer Goddard Daniel Adams Francis Bowman who have now applied to this Court that their respective shares and proportions in said Township may be granted and confirmed unto them

*Voted* that the Respective Shares and proportions of said Township of Pequig belonging to the said Twenty one admitted Setlers or their assignees who have fully performed the Conditions of Settlement viz<sup>t</sup> to each a sixty third part of said Township be and hereby is Granted to them their heirs and assigns and that one year from this time be further allowed to the other admitted Setlers or their assignees to Compleat the Conditions enjoyned by the General Court and in case they are actually on the Land in six months from this time and perform the Conditions as aforesaid in one year upon their application to this Court their respective Shares and proportions in said Township shall be Granted and Confirmed to them their heirs and assigns and such and so many of them as shall fail of performing said Conditions by themselves or assignees their respective proportions shall be dispos'd of as this Court shall order, and that the Inhabitants of said Pequig are hereby authorized and impowered to assemble together from time to time for the space of one Year and from thence till this Court shall give further order and when so assembled by a Major Vote Grant such Monies as may be necessary for the support of their minister and Repairs of highways in said Townships<sup>3</sup> and for the payment of such Officers as they may

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is January 8.

<sup>2</sup> MS. mutilated. Inserted from Legislative Records of the Council, xix., 401.

<sup>3</sup> Sic.

employ and also may Choose a Clerk Assessors and Collectors who shall be sworn to the faithful discharge of their Trusts, said Assessors shall raise their Rates equally upon the sixty shares in said Township exclusive of the Minister, Ministry and School rights and in case any of the Setlers or their assignees fail of paying their proportion of the Taxes that may be laid on their Right or Share viz<sup>t</sup> of those who have not performed the Conditions as aforesaid their whole right or share shall be sold by a Com[m<sup>tee</sup> to]<sup>1</sup> be appointed by the General Court and out of the monies [arisin']<sup>g</sup> by said Sale said Taxes shall be paid to the Collector of Pequioq and the overplus into the Province Treasury and that Joseph Lord Esq<sup>r</sup> a principal Inhabitant call the first meeting by posting up in some publick place in said Pequioq a Notification setting forth the time place and occasion of said Meeting fourteen days beforehand and afterwards the Clerk they shall choose shall warn their meetings in like manner and further that the Notes and Orders made from time to time by the admitted Setlers and their assignees of said Pequioq be presented to this Court for their Confirmation within one Year. [Passed January 10.

## CHAPTER 107.

### VOTE ALLOWING THE ACCOUNT OF THE TREASURER OF BRISTOL COUNTY.

AN ACCOMPT presented by Mr Robert Luscomb Treasurer of the County of Bristol for the Year 1750, Having been by him laid before the Court of General Sessions, of the Peace for the said County & by them allowed.

Read &

*Voted* that the Treasurers Accompt for the County of Bristol be allowed, & that there is a Ballance due from said Treasurer of Twenty eight Pounds seventeen shillings & ten pence one farthing, which said Treasurer is further accountable to said County for. [Passed January 10.

Legislative Records of the Council, xix., 402.

House Journal, pp. 10, 90.

## CHAPTER 108.

### VOTE IMPOWERING ANN GODMAN TO SELL AN ESTATE.

A PETITION of Ann Godman Widow of James Godman late of Mendon Dee<sup>d</sup> shewing that the Personal Estate is insufficient to pay the Debts, & the real Estate in such Circumstances as to render it necessary to sell the whole, therefore praying Liberty from this Court to sell the said Estate.

[Read &]

*Voted* that the prayer of the Pet<sup>r</sup> be so farr granted as that the Pet<sup>r</sup> be Enabled to sell the Lands mentiond in the Petition and Execute a good deed of sale thereof, provided shee gives publick Notice of the Time of sale as usual in such Cases; & that the peti<sup>r</sup> give Caution to the Judge of Probate for the County of Worcester in order to secure the overplus<sup>2</sup> after the Just debts of the deceased are paid for the benefit of her Children. [Passed January 10.

Legislative Records of the Council, xix., 402. Mass. Archives, xviii., 822.

Mass. Archives, xviii., 821. House Journal, pp. 90, 94. Province Laws, ii., 151, chap. 10.

<sup>1</sup> MS. mutilated. Inserted from Legislative Records of the Council, xix., 402.  
<sup>2</sup> Sic.

## CHAPTER 109.

ORDER OF NOTICE ON PET<sup>N</sup> OF IPSWICH S<sup>O</sup> PARISH.

Legislative  
Records of the  
Council, xix.,  
402. Mass.  
Archives, xiii.,  
307.

Mass.  
Archives, xiii.,  
304-307. House  
Journal, p. 91.  
*Ante*, p. 22,  
chap. 43.

A PETITION of Andrew Burleigh & Joseph Appleton in behalf of the South part of Ipswich, shewing that the Petitioners first applying to this Court, were with such Associates as should join with them & certify the Same, within three Months at the Secretaries Office, set off a distinct Society, that the names of a large Number of such Associates were lodgd in the Secretaries Office, but when the Court House was burnt those Papers were destroyed or lost, praying that the List of the Names<sup>1</sup> of the said Associates here-with presented may be allow'd by this Court, & the Persons & their Estates confirmed to the said Precinct;

Read &

*Ordered* that the Memorialists serve the first Parish in Ipswich w<sup>th</sup> a Copy of this Memorial, that they shew Cause if any they have on the 1<sup>st</sup> Fryday of the next sitting of this Court why the prayer thereof should not be granted. [Passed January 10.]

## CHAPTER 110.

## ORDER IMPOWERING JAS HARLOW, EXECUTOR, TO SELL REAL ESTATE.

Legislative  
Records of the  
Council, xix.,  
403. Mass.  
Archives,  
xviii., 807.

Mass.  
Archives,  
xviii., 806.  
House Jour  
nal, pp. 78, 81.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of James Harlow, sole Executor of the last Will of Sam<sup>l</sup> Churchhill late of Plimpton dec<sup>d</sup> shewing that by Reason of the Legacys bequeathed in the Will which were to be paid out of the Personal Estate there will remain in his hands but about £21. 6. 8 to pay the Debts which amount to £75. 3 therefore praying for Liberty to sell so much of the real Estate as will be sufficient to pay the remainder, or that he may be otherwise directed by this Court.

Read and

*Ordered* that the Pet<sup>r</sup> in his Capacity within mentioned be and he hereby is Impowered to make Sale of so much of the real Estate of the said Dec<sup>d</sup> (where it will be least prejudicial to said Estate) as to Satisfye the Debts due from said Estate that are yet unpaid, amounting to the Sum within mentioned And to make and execute a good & Sufficient Deed or Deeds of the Same; He observing the directions of the Law respecting the sale of real Estates, and to Account with the Judge of Probates for the County of Plym<sup>th</sup> for the overplus arising on such Sale. [Passed January 10.]

## CHAPTER 111.

## VOTE CONFIRMING TO JOS. LORD A PROPRIETOR'S RIGHT IN PAYQUAGE TOWNSHIP.

Legislative  
Records of the  
Council, xix.,  
405. Mass.  
Archives,  
xvi., 256.

A PETITION of Joseph Lord Esq<sup>r</sup> shewing that he purchas'd a delinquent Proprietors Right in the Township of Paquoig being exposed to Sale by the Comm<sup>tee</sup> for said Place, the House Lot of which Right or Share is denominated Number fourteen & situate

<sup>1</sup> For list of names see Mass. Archives, xiii., 304.

on the West of Paquoig Hill & on the West Side of the High Way, <sup>House Journal, p. 87.</sup> & he hath since fulfilled all the Conditions of holding said Right <sup>Ante, p. 580, chap. 106.</sup> enjoyned by the General Conrt & therefore praying that this Court would confi[r]m to him, the whole Share of Land aforesaid

[Read &]

*Voted* that Whereas the said Lord hath perform'd the Terms of settlement upon the right of Land in the Above Petition the same be Confirmd to him his heirs & Assigns for Ever. [Passed January 11.<sup>1</sup>

## CHAPTER 112.

### ORDER IMPOWERING THAMAZIN DAVIS, ADMINISTRATRIX, TO SELL AN ESTATE.

A PETITION of Thamazin Davis Widow & Administratrix of Job. Davis late of Gloucester, shewing that his personal Estate being insufficient to pay the Debts on his Estate, she obtained Liberty<sup>2</sup> to sell a Peice of Pasture Land, near Pigeon Hill but no Body will purchase it alone, & therefore praying that the Petitioner may have Liberty to sell the House, Orchard & about twenty Acres of mowing Land adjoining to the said Pasture for the Purposes aforesaid

In answer to this Petition

*Ordered* That the Petitioner be and hereby is allow'd and impower'd, in her capacity of Administratrix, to make Sale of the estate within mention'd, and to execute, in due form of Law a Deed, or Deeds, for conveyance thereof, to Such Person, or Persons as Shall give most for the Same: and that the Petitioner have the Improvement of one third part of what of the Produce of the Premises shall remain, after just expences of all Sorts, allow'd by the Judge of Probate for the County of Essex, are deducted, for her Life; The Residue or two Thirds, to be paid to the Guardian of the dec'd's Children, by her to be let out on Interest, and that She pay what Shall remain in her hands, upon an adjustment of her account, pursuant to Law, unto the Said Minors, as they arrive of Age, or Shall be married, which Shall first happen. Provided, before Such Sale be made, the Pet<sup>r</sup> observe the directions of the Province Law pass'd in the Sixth Year of his late Majesty King George the first, relating to Executors or Administrators Sale of Real Estates; and give Sufficient Security to Said Judge that the Principal Sum allow'd her, as aforesaid, Shall, at her death, revert to the right heirs of the Deceas'd; also that the Guardian afores'd give the like Security to the aforesaid Judge for the faithful discharge of her Trust. [Passed January 12.<sup>3</sup>

Legislative Records of the Council, xix., 403. Mass. Archives, xviii., s26.

Mass. Archives, xviii., s23, s25. House Journal, pp. 83, 89, 97, 98. Province Laws, ii., 151, chap. 10.

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is January 14.

<sup>2</sup> The permission was granted by the Superior Court of Judicature.

<sup>3</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is January 10.

## CHAPTER 113.

Legislative  
Records of the  
Council, xix.,  
405. Mass.  
Archives,  
lxiv., 54.

House Jour-  
nal, pp. 45, 81,  
86, 94, 97, 99.  
*Ante*, p. 384,  
chap. 308.

ORDER ALLOWING £52. 7. 6 TO EDWARD EVELETH, ESQ<sup>R</sup>.

*Ordered* that the Sum of fifty two pounds Seven Shillings and Six pence be granted and allowed to be paid out of the publick Treasury to Edward Eveleth Esq<sup>r</sup> in full for Wages due to him for his Service at Cape Breton as Lieutenant Colonel during the Term of thirty Nine Weeks and two Days. [*Passed January 14.*

## CHAPTER 114.

## VOTE ALLOWING £2. 19. 9 TO JOS. BASCOMB, ADMINISTRATOR.

Legislative  
Records of the  
Council, xix.,  
405. Mass.  
Archives,  
xviii., 84.

Mass.  
Archives,  
xviii., 813.  
House Jour-  
nal, pp. 31, 38,  
98.

A PETITION of Joseph Bascomb Administrator of the Estate of Jonathan Clary late of Brookfield Deed shewing that the said Clary was in the Service of this Province in the Expedition against Cape Breton, that his Wages were by the Comm<sup>tee</sup> of War paid into the hands of John Bell Clerk of the Company that upon the intimation of this Court, the Petitioner has pursued the said Bell in the Law at Considerable Charge, but without Effect, therefore praying that this Court would order Payment of the said Wages, into the Petitioners hands as also his Costs in prosecuting the said Bell.

[Read &]

*Voted* that the pet<sup>r</sup> be allowed out of the Publick Treasury the sum of Two pounds Nineteen shill<sup>s</sup> & 9<sup>d</sup> in full Consideration for the wages due to the S<sup>d</sup> Jon<sup>a</sup> Clary decd the said sum to be Imprvd for his heirs According to Law. [*Passed January 14.*

## CHAPTER 115.

## VOTE INVESTING THE ENGLISH INHABITANTS OF STOCKBRIDGE WITH ALL THE POWERS AND PRIVILEGES BELONGING BY LAW TO PRECINCTS.

Legislative  
Records of the  
Council, xix.,  
406. Mass.  
Archives,  
cxvi., 152.

Mass.  
Archives,  
cxvi., 151.  
House Jour-  
nal, pp. 82, 97.  
*Ante*, p. 326,  
chap. 164.

A PETITION of Timothy Woodbridge, Samuel Brown, Josiah Jones, & Joseph Woodbridge English Inhabitants of Stockbridge, shewing that they with a few other English Families, are incorporated with the Indians which render their Circumstances difficult, therefore praying that the English Inhabitants may be impowered by this Conrt to grant, assess & Collect such Taxes as may be necessary to defray the publick Charges arising among them.

[Read and]

*Voted* that the prayer of the petition be so granted that The Inhabitants of the Town of Stockbridge in the County of Hampshire exclusive of the Indian Inhabitants of s<sup>d</sup> Town be & hereby are invested w<sup>th</sup> all powers and Authority w<sup>ch</sup> precincts by Law are Invested with for the purpose of granting assessing & Collecting Moneys to be p<sup>d</sup> by said Inhabitants exclusive of the Indians & that Epharem Williams Esq<sup>r</sup> be appointed to Call the first meeting for y<sup>e</sup> purposes afores<sup>d</sup>. [*Passed January 14.*

## CHAPTER 116.

VOTE CALLING A TOWN MEETING OF THE PROPRIETORS OF FALL TOWN AND APPOINTING A COMMITTEE TO INQUIRE AS TO FULFILMENT OF CONDITIONS OF GRANTS THEREIN.

A PETITION of Ebenezer Sheldon, Caleb Chapin & others, Proprietors of the Plantation called Fall Town, shewing that they chose a Proprietors Clerk, expecting that he would serve, which his refusal to do has put them under Difficultys for calling another Meeting, praying for the Aid of this Court.

Read &

*Voted* that Ebenezer Sheldon be impowered and directed on Application to him made in writing by any five of the proprietors of said Township, to notify a meeting of said Propriet<sup>rs</sup> by posting up a Notification in some publick Place in said Fall Town, & in the Town of Deerfield, Twenty Days before the Time set for holding said meeting, mention<sup>g</sup> in said Notification, The Time, Place & business of said meeting And whereas no Acco<sup>t</sup> has been return'd to this Court, of those who have, not fullfill'd the Conditions of their Grants in said Township

*Voted* that Oliver Partridge & Jos: Hawley Esq<sup>rs</sup> be a Comm<sup>tee</sup> appointed; as soon as may be, at the Charge of the Proprietors to Examine, & make Enquiry, who have & who have not fullfilld and performd the Conditions of their grants, & make report to this Court. [Passed January 14.

Legislative Records of the Council, xix., 406. Mass. Archives, exvi., 159.

Mass. Archives, cxvi., 157. House Journal, pp. 87, 95, 96.

## CHAPTER 117.

ORDER GRANTING TO PETER GROVES LICENCE TO RETAIL SPIRITUOUS LIQUORS.

A PETITION of Peter Groves of Beverly in the County of Essex, shewing that being concerned in the Fishery he is obliged to supply the Fishermen with such Quantities of Rum, & that he may not be exposed to the Penalty of the Law in that Case, praying that the Court of General Sessions of the Peace for said County may be impowered to grant him a Licence to retail Rum.

Read and

*Ordered* that the Justices of Gen<sup>l</sup> Sessions of the Peace for the County of Essex be impowered to grant the Pet<sup>r</sup> a Licence to retail strong Liquors &c (He first obtaining the approbation of the Select Men of the Town of Beverly for that purpose) if they See cause, the stated time for granting Licences being elapsed notwithstanding. [Passed January 16.

Legislative Records of the Council, xix., 407. Mass. Archives, cxix., 522.

Mass. Archives, cxix., 521. House Journal, p. 103.

## CHAPTER 118.

ORDER IMPOWERING JUSTICES OF COURT OF GENERAL SESSIONS TO  
ACCEPT BOND OF STEPHEN HIGGINSON & CO.

Legislative  
Records of the  
Council, xix.,  
407. Mass.  
Archives,  
cxix., 520.  
House Jour-  
nal, p. 103.

A PETITION of Stephen Higginson & Company shewing that they have for divers Years last Past been licenced to sell strong Drink by retail in the Town of Salem, & the last Summer were approbated by the Select Men, but thrô forgetfulness omitted to give Bond, praying that the Court of General Sessions of the Peace for the said County now sitting may be impowered to take their recognizance

Read and in Answer hereto

*Ordered* that the Justices of the Gen<sup>l</sup> Sessions of the Peace for the County of Essex be impowered to take Recognizance of the Petitioner according to Law the Stated time therefor being elapsed notwithstanding. [*Passed January 16.*]

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## CHAPTER 119.

ORDER IMPOWERING THE MINOR CHILDREN OF ROBERT HARRIS TO  
CHOOSE A GUARDIAN OR GUARDIANS.

Legislative  
Records of the  
Council, xix.,  
408. Mass.  
Archives,  
xviii., 849.

Mass.  
Archives,  
xviii., 848.  
House Jour-  
nal, pp. 93, 102.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Sarah Branham Wife & Attorney to Francis Bramham, setting forth that her Father Robert Harris late of Boston dec<sup>d</sup> left three Children two of which were under Age, & now are but fourteen Years Old & that her Husband has been Guardian of them hitherto, but as he is now out of the Province & not likely soon to return, & that the Estate of her late Father is in a ruinous Condition, praying this Court to impower the said Minors, to choose new Guardians & to impower such Guardians with the Petitioner, (who had the Power from her Husband) to make Sale of the real Estate of the said Harris for the Bennefit of said Minors

Read and

*Ordered* that the Prayer of this Petition be so far granted as that the present Guardian Francis Bramham is hereby sett aside, and the said Robert Harris and William Harris the Minors are hereby Impowered to Choose a new Guardian or Guardians in his room and stead. And the Judge of Probate for the County of Suffolk is hereby Impowered to appoint and authorize such as they shall Choose, and the said Gnardian or Guardians when so appointed and authorized are hereby Impowered together with the said Sarah to make sale of the Premisses within mentioned, and to make and execute a good Deed or Deeds of the same: They observing the directions of the Law respecting the Sale of Intestate Estates, and giving sufficient Security to the Judge of Probate for the County of Suffolk to apply the produce of such Sale according to Law. [*Passed January 16.*]

## CHAPTER 120.

## ORDER ALLOWING £14. 13. 8 TO JOHN KELLEY.

A PETITION of John Kellog [Kelley] late a Soldier in the Service of this Province in the Expedition against Cape Breton, shewing that there are still Wages due to him, upon the Muster Roll of Capt. Ammi Ruhamah Cutter, praying that this Court would please to order the Payment thereof out of the publick Treasury

Read and

*Ordered* that the Sum of fourteen pounds thirteen Shillings and Eight pence Lawful Money be allowed the Memorialist in full Consideration for his Services within mentioned. [Passed January 16.]

Legislative Records of the Council, xix., 408. Mass. Archives, Ixxiv., 25.

Mass. Archives, lxxiv., 24. House Journal, pp. 48, 56, 102.

## CHAPTER 121.

## ORDER GRANTING TO WM DUDLEY ATKINS LICENCE TO RETAIL SPIRITUOUS LIQUORS.

A PETITION of William Dudley Atkins [of Newbury]<sup>1</sup> shewing that since the Time for granting Licences for retailing strong Liquors in the County of Essex the Petitioner has erected & furnished a Still House in said Town, and for as much as it may be for the Benefit of others as well as himself, that he should have Liberty to retail, therefore praying that the Court of General Sessions of the Peace for the County of Essex may be impowered to grant him a Licence, to retail strong Liquors at their present Session.

Read and

*Ordered* that the Justices of the Gen<sup>l</sup> Sessions of the Peace for the County of Essex be impowered to Grant the Pet<sup>rs</sup> a Licence to retail strong Liquors &c at their present Session, if they See cause for the Ensuing Year the stated time for granting Licences being elapsed notwithstanding.<sup>2</sup> [Passed January 17.]

Legislative Records of the Council, xix., 409. Mass. Archives, exix., 525.

Mass. Archives, exix., 524.

## CHAPTER 122.

ORDER REFERRING THE PET<sup>N</sup> OF THE INHABITANTS OF DUXBURY IN REGARD TO DAMAGE BY CATTLE.

A PETITION of the Inhabitants of Duxbury shewing that by reason of Sheep & other Cattle feeding in great Numbers on the Beach call'd Duxbury Beach, there is great Danger that both their Harbour & Meadows will be ruined, therefore praying Leave to bring in a Bill to prevent it.

Read &

*Ordered* that this Petition be refer'd to the second Wednesday of the next sitting of this Court for further Consideration. [Passed January 17.]

Legislative Records of the Council, xix., 409.

House Journal, pp. 64, 103.

<sup>1</sup> Inserted from Mass. Archives, exix., 324.

<sup>2</sup> Not found in the House Journal.

## CHAPTER 123.

## ORDER ALLOWING £2 TO MOSES GARFIELD.

Legislative  
Records of the  
Council, xix.,  
409. Mass.  
Archives,  
lxxiv., 50.

Mass.  
Archives,  
lxxiv., 50.  
House Jour-  
nal, pp. 92, 105.

A PETITION of Moses Garfield praying for some Allowance from this Court in Consideration of Wounds he received from the Indian Enemy in the Year 1747, while he was in the publick Service, by which he is much Disabled

Read and

*Ordered* that the Pet<sup>r</sup> be allowed out of the publick Treasury two pounds Lawful Money for his present Relief. [Passed January 18.]

## CHAPTER 124.

ORDER ON THE MEM<sup>R</sup> OF WILL<sup>M</sup> WILLIAMS, FARMER OF EXCISE FOR HAMPSHIRE CO., FOR AN ABATEMENT OF AMOUNT DUE TREASURY.

Legislative  
Records of the  
Council, xix.,  
410. Mass.  
Archives,  
cxix., 527.

Mass.  
Archives,  
cxix., 526, 528.  
House Jour-  
nal, pp. 99, 107.

A MEMORIAL of William Williams Esq<sup>r</sup> shewing that he was admitted a Farmer of the Duties of Excise for the County of Hampshire in the Year 1749 at which Time the Towns of Suffield, Somers & Enfield were reputed as part of the said County, & it was expected that duty would be paid in those Towns, but soon after the Memorialists Agreement, they disowned the Authority of this Governm<sup>t</sup> & were claimed by Connecticut as part of that Colony so that the Memorialist has been deprived of the Excise of these Towns for the Year 1750, which is one fifth part of the whole Sum he agreed for; Praying an abatem<sup>t</sup> proportionable to the said Deficiency

Read and in Answer

*Ordered* that the Treasurer be directed not to call on the Pet<sup>r</sup> for Seventeen pounds Six shillings and Eight pence until the further Order of this Court. [Passed January 20.]

## CHAPTER 125.

ORDER IMPOWERING EDWD<sup>D</sup> WASHBURN TO PROSECUTE AN APPEAL.

Legislative  
Records of the  
Council, xix.,  
411. Mass.  
Archives,  
xliii., 445.

House Jour-  
nal, pp. 22, 23,  
44, 56, 109.  
*Ante*, p. 554,  
chap. 43.

ON THE PETITION of Edward Washburn, [*ante*, p. 554, chap. 43] [Report]

Read & Accepted, And the Pet<sup>r</sup> is impowered to prosecute his said Appeal at the next Court of Gen<sup>t</sup> Sessions of the Peace to be held within & for the County of Plimouth, Provided he [give]<sup>1</sup> Bond in due form of Law within 30 days from this time to prosecute his said Appeal to Effect. [Passed January 21.]

<sup>1</sup> MS. mutilated. Inserted from Legislative Records of the Council, xix., 411.

## CHAPTER 126.

VOTE ACCEPTING THE REPORT OF THE COMMITTEE ON THE APPOINTMENT OF A FARMER OF EXCISE FOR THE COUNTY OF WORCESTER.

THE COMMITTEE Appointed by This Hon<sup>bl</sup> Court in June Last to farm out the Excise on Spirituous Liquors &c<sup>t</sup> in the County of Worcester having Attended that Service and after due Publication made of time & place of Meeting did Let to farm the Said Excise to Mr Duncan Campbell of Oxford for Two hundred thirty three pounds Six shillings & Eight pence Lawfull mony for one year to comonee the 29<sup>th</sup> day of Last June, And have taken his bond with Suretys to pay the Same to ye province Treasurer and have Lodged the Bond with the Hon<sup>bl</sup> W<sup>m</sup> Foye Esqr

Legislative Records of the Council, xix., 412. Mass. Archives, cxix., 530<sup>a</sup>.

House Journal, p. 40.  
*Ante*, p. 552, chap. 36.

Jan<sup>r</sup>y 9. 1752

Which is humbly Submitted

*p* J CHANDLER  
NAHUM WARD  
JOSEPH WILDER JUN<sup>R</sup> } Com<sup>tee</sup>

Read and Accepted. [Passed January 21.

## CHAPTER 127.

VOTE ACCEPTING THE REPORT OF THE COMMITTEE ON THE APPOINTMENT OF A FARMER OF EXCISE FOR THE COUNTY OF MIDDLESEX.

THE COMMITTE Appointed by this Court to Let out to Farm the Excise on Spirituous Licquers &c for the County of Middlesex have Attended that Service and have let to farm the Said Excise to Elisha Jones of Weston for the Sum of Five hundred Ninety pounds thirteen Shillings and four pence Lawfull Money for one Year to Commince from the twenty-ninth Day of June One thousand Seventeen hundred fivety one and have taken his Bond with Surtys for the Same payable to the province Treasurer and have lodg'd Said Bond with him the Said Treasurer

Legislative Records of the Council, xix., 412. Mass. Archives, cxix., 529.

House Journal, p. 40.  
*Ante*, p. 552, chap. 34.

Which is humbly Submitted EZEK: CHEEVER *p* order

Oct<sup>r</sup> 3<sup>rd</sup> 1751

Read & accepted. [Passed January 21.

## CHAPTER 128.

ORDER DIRECTING THE TREASURER TO GIVE AN ACC<sup>T</sup> OF THE STATE OF THE TREASURY.

Legislative Records of the Council, xix., 412.

*Ordered* that the Treasurer be directed to comply with the Order of this Court of the thirty first of December last with respect to the State of the Treasury &c. forthwith, Any other Bussiness relating to his Office Notwithstanding. [Passed January 22.

Legislative Records of the Council, xix., 391. House Journal, p. 111.  
*Ante*, p. 572, chap. 88.

## CHAPTER 129.

ORDER FOR PRINT<sup>G</sup> THE ACT OF PARLIAMENT RELATING TO THE COMMENCEM<sup>T</sup> OF THE YEAR.

Legislative  
Records of the  
Council, xix.,  
412. Mass.  
Archives,  
xlvii., 349.

Province  
Laws, iii., 663,  
note. House  
Journal, p. 110.

*Ordered* that the Act of Parliament pass'd in the twenty fourth Year of his present Majestys Reign, entitled An Act for Regulating the Commencement of the Year & for Correcting the Calender now in Use, be printed & bound up with the Laws of this Province for the better Information of the Inhabitants thereof; & that it be recorded in the Secretaries Office in the Book of Laws. [Passed January 22.]

## CHAPTER 130.

ORDER IMPOWERING FOSTER HUTCHINSON TO ENTER AN APPEAL.

Legislative  
Records of the  
Council, xix.,  
333. Mass.  
Archives,  
xliii., 524.

Mass.  
Archives,  
xliii., 516-523.  
Legislative  
Records of the  
Council, xix.,  
412. House  
Journal, pp. 75,  
107, 113.

A PETITION of Foster Hutchinson of Boston Merchant shewing that he was sued at the Inferior Court of Common Pleas for the County of Middlesex by Caleb Trowbridge, upon a Note under Hand, that Judgment went against him, from which he appealed to the next Superior Court, but His Attorney neglected to enter his Appeal, by which Means Judgment went against him, praying that he may be allowed to bring his Action of Review to the next Superior Court in the same Manner as if he had had a Trial of His Appeal

Read &

*Ordered* that the prayer of the Petition be so far granted as that the Pet<sup>r</sup> be & hereby is enabled to Enter his Appeal at the next Superior Court to be holden at Charlestown within & for the County of Middlesex on the last Tuesday of January Curr<sup>t</sup> And the s<sup>d</sup> Court are hereby enabled to hear & try said Cause by a Jury, to make up Judgment & Award Execution thereupon, the former Judgment at the said Superior Court Notwithstanding, provided the Pet<sup>r</sup> notifie the said Caleb Trowbridge of this Order forthwith. [Passed January 22.]

## CHAPTER 131.

ORDER ALLOWING £3. 4 TO JN<sup>O</sup> DAVIS.

Legislative  
Records of the  
Council, xix.,  
413. Mass.  
Archives,  
lxxiv., 53.

Mass.  
Archives,  
lxxiv., 52.  
House Jour-  
nal, pp. 98, 111.

A PETITION of John Davis of Lynn, shewing that while he was in the Service of this Province, on the Eastern Frontiers, under the Command of Capt Alexander he was wounded in the Hand by the Indians, whereby he is much disabled from Labour, praying for an Allowance from this Court.

Read and

*Ordered* that the Sum of three pounds four Shillings be allowed out of the Treasury to Jonathan Waite of Lynn for the Use of the Petitioner in Answer to this Petition. [Passed January 22.]

## CHAPTER 132.

## ORDER GRANTING TO URIAH MORSE LICENCE TO SELL SPIRITUOUS LIQUORS.

A PETITION of Uriah Morse of Medway in the County of Suffolk, shewing that he has kept a Tavern in said Town, for ten Years past that thro' some Disappointments he miss'd of taking out his Licence, praying that the Court of General Sessions of the Peace for said County may be impowered to grant his Licence at their next sitting by Adjournm<sup>t</sup>

Legislative Records of the Council, xix., 413. Mass. Archives, exi., 238.

House Journal, p. III.

Read and

*Ordered* that the Justices of the Gen<sup>l</sup> Sessions of the Peace for the County of Suffolk be allowed and impowered to grant the Pet<sup>r</sup> a Licence to Sell strong Liquors &c at their adjournment if they See cause, the stated time for granting Licences being elapsed notwithstanding. [Passed January 22.]

## CHAPTER 133.

ORDER ALLOWING £97. 3. 1 TO JABEZ FOX, ESQ<sup>R</sup>.

A MEMORIAL of Jabez Fox of Falmouth Esq<sup>r</sup> shewing that during the late War for divers Years, he served this Governm<sup>t</sup> as Sub. Commissary on the Eastern Frontiers & has as yet received no Consideration for the Storage of Provision Ammunition, Snow Shoes, Care of the Whale Boats & other Service in said Office, praying for some suitable Allowance from this Court.

Legislative Records of the Council, xix., 413. Mass. Archives, lxxiv., 51.

House Journal, pp. 99, 109.

Read and

*Ordered* that the Prayer of this Pet<sup>n</sup> be so far granted, as that there be allowed to be paid out of the publick Treasury to the Petitioner the Sum of Ninety Seven pounds three Shillings and One penny in full Consideration for his Services &c abovementioned. [Passed January 22.]

## CHAPTER 134.

ORDER IMPOWERING THE COMMITTEE ON SALE OF PROVINCE LANDS TO EXECUTE A DEED TO JN<sup>O</sup> ERVING, ESQ<sup>R</sup>.

A PETITION of John Erving of Boston Esq<sup>r</sup> shewing that he has purchased of a Comm<sup>tee</sup> of this Court a large Traet of Land bordering on Road Town under Conditions of settling a number of Families thereon, & whereas the Delay of confirming his right is likely to prejudice his settling of it, therefore praying that this Court would direct & impower said Comm<sup>tee</sup> to give him a Deed of said Land upon his giving Sufficient Security to perform the said Conditions.

Legislative Records of the Council, xix., 414. Mass. Archives, cxvi., 177.

Mass. Archives, cxvi., 176.

House Journal, p. 111.

Ante, p. 516, chap. 27; p. 548, chap. 24.

Read and

*Ordered* that the Prayer of the Petition be granted and that the Committee aforesaid be and hereby [are]<sup>1</sup> impower'd to give and execute unto the Petitioner a good Deed of the Said Lands accordingly. [Passed January 22.]

<sup>1</sup> Inserted from Legislative Records of the Council, xix., 414.

## CHAPTER 135

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE PETITION  
OF THE FIRST PARISH OF METHUEN.

Legislative  
Records of the  
Council, xix.,  
415. Mass.  
Archives,  
cxvi., 126.

Legislative  
Records of the  
Council, xix.,  
349, 376. House  
Journal, pp. 14,  
56, 67, 68, 114.  
Province  
Laws, xii., 196,  
chap. 172.

THE COMM<sup>TEE</sup> to whom was refer'd the Petition of Robert Swan & Rich<sup>d</sup> Whittier a Comm<sup>tee</sup> for the first Parish in Methuen having met & considered the Same find that some Time after the Town of Methuen was by an Act of this Court made 2 Parishes, the late Line between the Massachusetts & New Hampshire has taken off from the new Parish all the Inhabitants but fourteen & most of the Lands, we are therefore of Opinion that the said new Parish in Methuen ceased to be a Parish from that Time: All which is humbly submitted Per Order of the Com<sup>tee</sup> JAS MINOT

Read &

*Ordered* that this Report be & hereby is Accepted. [Passed January 23.]

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## CHAPTER 136.

VOTE APPOINTING A COMMITTEE ON THE CLAIM OF SCHAGHTICOKE  
INDIANS TO CERTAIN LANDS.

Legislative  
Records of the  
Council, xix.,  
416. Mass.  
Archives,  
xxvii., 196.

Mass.  
Archives,  
xxxii., 194.  
House Jour-  
nal, pp. 99, 113.

A LETTER from Capt<sup>n</sup> Ephraim Williams Commander of Fort Massachusetts to His Honour the Lienten<sup>t</sup> Governoeur, informing him that a Number of Scatacock Ind<sup>ns</sup> had been at that Fort, & made Claim to the Land where it stands, & to a great Quantity of Land in that part of the Country, that he expected them again upon the same Errand desiring the Orders of the Governm<sup>t</sup> how to Conduct himself in such Case

Read and

*Voted* that Col<sup>o</sup> Lydius of the City of Albany together with the within named Capt<sup>t</sup> Ephraim Williams be desired to make thorough Enquiry respecting the Indian Title to said lands. Whether they belong to Said Seauticook Indians or other Indians living near Hudson's River, or at Stockbridge And Report thereon to this Court as soon as may be. [Passed January 23.]

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## CHAPTER 137.

## ORDER IMPOWERING SOL. KNEELAND, GUARDIAN, TO SELL LAND.

Legislative  
Records of the  
Council, xix.,  
415. Mass.  
Archives,  
xviii., 852.

Mass.  
Archives,  
xviii., 851.  
Legislative  
Records of the  
Council, xix.,  
418. Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Solomon Kneeland Guardian to Katharine Phips a minor Daughter to Samuel Phips late of Charlestown dec<sup>d</sup> shewing that the Income of her Estate is not sufficient for her Maintenance & that there is a small Peice of Land of the quantity of about an Acre belonging to the said Estate which may be sold with least Prejndicee, praying that he may be impowered to sell the said Acre of Land for the Purpose afores<sup>d</sup>

Read &

*Ordered* that the Prayer of the Petition be granted & the Pet<sup>r</sup> is allowed & impowered, in his said Capacity, to make Sale of the said

Katherine's Right & Interest in the Peice of Land within mentioned, & to execute in due form of Law a Deed for Conveyance thereof to such Persons as shall give most for the same, Provided, before such Sale be made, the Pet<sup>r</sup> observe the Directions of the Province Law, pass'd in the 6<sup>th</sup> Year of his late Majesty King George the first, relating to Executors or Administrators Sale of real Estates, & give sufficient Security to the Judge of Probate for the County of Middlesex for the faithful Discharge of his Trust & applying the Produce of the Premisses for the Purposes mentioned in the Petition & pursuant to Law.<sup>1</sup> [Passed January 23.]

## CHAPTER 138.

VOTE ALLOWING £1,500 TO MR AGENT BOLLAN FOR SERVICES.

*Voted* that the Sum of fifteen hundred pounds Sterling be granted and paid out of the publick Treasury to M<sup>r</sup> Agent Bollan for his Service in Solliciting the reimbursement of the Charges that this Government were at, in the Reduction of Cape Briton, to be paid out of the next Supply Bill. [Passed January 25.]

Legislative Records of the Council, xix., 418. Mass. Archives, xxi., 44. House Journal, p. 115.

## CHAPTER 139.

ORDER FOR REMITTING £500 TO M<sup>r</sup> AGENT BOLLAN.

WHEREAS the Treasurer of this Province in February last was Ordered to Transmitt to M<sup>r</sup> Agent Bollan five hundred pounds sterling in order to Enable him to Manage the publick Affairs of this Province at the Court of Great Britain. And the Treasurer having not yet done it

Legislative Records of the Council, xix., 418. Mass. Archives, xxi., 45. House Journal, p. 115.

*Ordered* that the Hon<sup>ble</sup> Thomas Hubbard Esq<sup>r</sup> Speaker of the House be desir'd to purchase a Bill of Exchange for the sum aforesaid and forthwith remitt the Same to the said M<sup>r</sup> Bollan for the purpose aforesaid And that the Committee Who shall be Chosen on the Supply Bill give their Notes for the Sum so borrowed of the Lender to pay him or Order the Sum so borrowed in two years with Lawful Interest for the same yearly until paid. [Passed January 25.]

House Journal, p. 115. Ante, p. 492, chap. 212.

## CHAPTER 140.

ORDER OF NOTICE ON THE REMONSTRANCE OF DORCHESTER AGAINST LIABILITY FOR REPAIRS TO NEPONSET BRIDGE.

A REMONSTRANCE of Capt Robert Spur & others a Comm<sup>tee</sup> for the Town of Dorchester setting forth that ye said Town is presented by the Grand Jury for the County of Suffolk, to the Court of General Sessions of the Peace for the said County, now held

Legislative Records of the Council, xix., 423. Mass. Archives, xxi., 279.

<sup>1</sup> Not found in the House Journal.

Mass.  
Archives,  
cxxxi., 276—279.  
House Jour-  
nal, pp. 115, 116.

at Boston for their not keeping in Repair the great Bridge over Neponset River, & for for<sup>1</sup> as much as the said Bridge never was accounted to belong to the Town of Dorchester to repair, the Inhabitants not having near so much Benefit by it, as many other Towns in this & other Counties, & the said Bridge being in reality a County Bridge, the said Town cannot have an impartial Trial both Justices & Juries being Parties in the Case, & therefore praying that this Court would provide Releif for the said Town & in the mean Time Stop prosecution.

Read and

*Ordered* that the Pet<sup>s</sup> Notifye the several Towns in the County of Suffolk by Inserting the Substance of this Remonstrance in the publick Prints three Weeks Successively and this Order thereon that so they may shew cause if any they have on the first fryday of the next Sitting of this Court, why the Prayer thereof should not be granted and all Proceedings on the Presentment are staid in y<sup>e</sup> mean time. [Passed January 25.<sup>2</sup>

## CHAPTER 141.

### ORDER ALLOWING £750 TO THE JUSTICES OF THE SUPERIOR COURT OF JUDICATURE.

Legislative  
Records of the  
Council, xix.,  
419. Mass.  
Archives,  
xliii., 528.  
House Jour-  
nal, p. 113a.

*Ordered* that the Sum of Seven Hundred and fifty pounds be paid out of the publick Treasury to the honourable the Justices of his Majesty's Superior Court of Judicature Court of Assize and General Goal Delivery, for their Service for one Year ending the first of January Instant. [Passed January 27.]

## CHAPTER 142.

### ORDER ALLOWING £25 TO THE SECY OF THE PROVINCE.

Legislative  
Records of the  
Council, xix.,  
419.  
House Jour-  
nal, p. 113a.  
*Infra*, chap.  
143.

*Ordered* that the Sum of Twenty five Pounds be allowed & paid out of the publick Treasury to Josiah Willard Esq<sup>r</sup> Secretary of this Province in full for his Service for one Year ending the 3<sup>d</sup> Day of December last. [Passed January 27.]

## CHAPTER 143.

### ORDER ALLOWING £120 ADDITIONAL TO THE SECRETARY.

Legislative  
Records of the  
Council, xix.,  
419.  
House Jour-  
nal, p. 113a.  
*Supra*, chap.  
142.

*Ordered* that the Sum of One hundred & twenty Pounds be granted & allowed to be paid out of the publick Treasury to Josiah Willard Esq<sup>r</sup> Secretary &c. in Consideration of his Extraordinary Service to the third day of December last. [Passed January 27.]

<sup>1</sup> *Sic.*

<sup>2</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is January 29.

## CHAPTER 144.

ORDER ALLOWING £250 TO THE PRESID<sup>T</sup> OF HARVARD COLLEGE.

*Ordered* that the Sum of Two hundred and fifty pounds be granted and allowed to be paid out of the Publick Treasury to the Reverend Edward Holyoke, President of Harvard College, over and above the Rents of the Massaehusett Hall for one Year ending the tenth of Sep<sup>t</sup> next to be paid quarterly. [Passed January 27.]

Legislative Records of the Council, xix., 419. Mass. Archives, viii., 371.  
House Journal, p. 113a.

## CHAPTER 145.

ORDER ALLOWING £186. 13. 4 TO THE PROVINCE TREASURER.

*Ordered* that the Sum of One hundred & eighty six Pounds thirteen shillings & four pence be granted & allowed to be paid out of the publick Treasury to William Foye Esq<sup>r</sup> Treasurer & Receiver General of His Majestys Revenues of this Province, for one Year ending the second Day of January last. [Passed January 27.]

Legislative Records of the Council, xix., 419.  
House Journal, p. 113a.

## CHAPTER 146.

ORDER ALLOWING 1/4 PER DIEM TO THE SPEAKER OF THE HOUSE.

*Ordered* that there be granted and allowed to be paid out of the publick Treasury the Sum of One Shilling and four pence pr diem to the Honourable Thomas Hubbard Esq<sup>r</sup> Speaker of the House, for every day of his attendance in the General Court from the Opening of the Sessions on the 29<sup>th</sup> of May 1751 over and above his pay as a Member of the House. [Passed January 27.]

Legislative Records of the Council, xix., 419. Mass. Archives, xix., 329.  
House Journal, p. 113a.

## CHAPTER 147.

ORDER ALLOWING £80 TO THE CLERK OF THE HOUSE.

*Ordered* that there be granted & allowed to be paid out of the publick Treasury to Rowland Cotton Esq<sup>r</sup> Clerk of the House the Sum of Eighty Pounds for his Service in that Trust the present Year. [Passed January 27.]

Legislative Records of the Council, xix., 419.  
House Journal, p. 113a.

## CHAPTER 148.

ORDER ALLOWING £100 TO THE PROFESS<sup>R</sup> OF DIVINITY AT HARVARD COLLEGE.

*Ordered*, That there be granted and allowed to be paid out of the Publick Treasury to the Reverend D<sup>r</sup> Edward Wigglesworth, Hol-

Legislative Records of the Council, xix., 419.

Mass.  
Archives,  
lviii., 371.  
House Jour-  
nal, p. 113<sup>a</sup>.

lisian professor of Divinity at Harvard College in Cambridge, the Sum of One hundred pounds as a Gratuity, in Consideration of his faithfull discharge of that great and Important trust reposed in him, and for his further Encouragement therein. [Passed January 27.]

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## CHAPTER 149.

### ORDER ALLOWING £60 TO THE PROFESS<sup>R</sup> OF MATHEMAT<sup>S</sup> AT HARVARD COLLEGE.

Legislative  
Records of the  
Council, xix.,  
419. Mass.  
Archives,  
lviii., 370.

House Jour-  
nal, pp. 113<sup>a</sup>,  
114<sup>a</sup>.

*Ordered*, that there be granted, and allowed to be paid out of the publick Treasury to John Winthrop Esq<sup>r</sup> Hollisian professor of the Mathematicks at Harvard College in Cambridge the Sum of Sixty pounds as a Gratuity, in Consideration of his faithfull discharge of that trust reposed in him, and for his further Encouragement therein. [Passed January 27.]

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## CHAPTER 150.

### ORDER ALLOWING £15 TO THE CHAPLAINS OF THE GEN<sup>L</sup> COURT.

Legislative  
Records of the  
Council, xix.,  
420. Mass.  
Archives, xiii.,  
289.

House Jour-  
nal, p. 114<sup>a</sup>.

*Ordered*, That there be allowed and paid out of the Publick Treasury the Sum of fifteen pounds One half to the Reverend Chaplain of the Honourable Board the present Year, the Other half to the Reverend Ellis Gray the Chaplain of the House, for their respective Services the present Year. [Passed January 27.]

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## CHAPTER 151.

### ORDER ALLOWING £80 TO THE DOOR KEEPER.

Legislative  
Records of the  
Council, xix.,  
420.

House Jour-  
nal, p. 114<sup>a</sup>.

*Ordered* that there be granted & allowed to be paid out of the publick Treasury the Sum of Eighty Pounds to M<sup>r</sup> William Baker Door keeper to his Exey the Governour & this Court in full for his Service for one Year. [Passed January 27.]

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## CHAPTER 152.

### ORDER ALLOWING £40 TO THE CHAPLAIN OF THE CASTLE.

Legislative  
Records of the  
Council, xix.,  
420. Mass.  
Archives, xiii.,  
290.

House Jour-  
nal, p. 114<sup>a</sup>.

*Ordered* That there be granted and allowed to be paid out of the publick Treasury to M<sup>r</sup> John Phillips Chaplain of his Majestys Castle William, the Sum of forty pounds as a Gratuity, for his Service in that Trust for the present Year. [Passed January 27.]

## CHAPTER 153.

## ORDER ALLOWING £160 TO THE COMMISSY GENERAL.

*Ordered* that there be granted & allowed to be paid out of the publick Treasury the Sum of One hundred & sixty Pounds to John Wheelwright Esq<sup>r</sup> Commissary General for his Service in that Office for one Year. [Passed January 27.]

Legislative Records of the Council, xix., 420.  
House Journal, p. 114a.

## CHAPTER 154.

## ORDER IMPOWERING PETER &amp; SARAH LAWRENCE, INDIANS, TO SELL LAND.

A PETITION of Peter Lawrence & Sarah his Wife of Grafton Indians, shewing that the said Sarah & her Sister Mary Tom hold in equal Shares a Tract of Land lying in Natick containing about Thirty six Acres, which descended to them from their Uncle, and for as much as the Petitioners are well situated in Grafton aforesaid, therefore praying for Liberty from this Court to sell the said Sarahs part of the said Land, the produce thereof to be laid out for their Comfortable Living: A Certificate<sup>1</sup> of the approbation of the Guardians of the Grafton Indians being adjoined

Legislative Records of the Council, xix., 421. Mass. Archives, xviii., 818.  
Mass. Archives, xviii., 817.  
Legislative Records of the Council, xviii., 43.

Read &

*Ordered* that the Prayer of the Petition be granted & the Pet<sup>r</sup>s are allowed & impowered with the Assistance of the Guardians of the Natick Indians to sell their part of the thirty six Acres of Land within mentioned, & to execute in due form of Law a Deed for the Conveyance thereof, & that the Produce thereof be applied to the purposes mentioned in the Petition as the Guardians of the Indians at Hassanamisco shall advise.<sup>2</sup> [Passed January 27.<sup>3</sup>]

## CHAPTER 155.

## VOTE ALLOWING £30 FOR PRESENTS TO THE INDIANS AT STOCKBRIDGE AND A FURTHER SUM OF £30 FOR THE SACHEMS.

In the House of Rep<sup>ves</sup>

Whereas the Committee appointed to Manage the Affairs of the Six Nations of Indians have represented to this House, that upon the Encouragement of the Government there are already come down to Stockbridge a considerable Number of Indians Who were not at first expected, and others are on the Road, even as far as from Susquehannah River, and with an Intent to Settle within this Province. Therefore

Legislative Records of the Council, xix., 420. Mass. Archives, xxxii., 234–236.  
House Journal, p. 117.  
*Ante*, p. 504, chap. 244; p. 567, chap. 74.

<sup>1</sup> We the Subscribers Guardians to the Grafton Indians hereby Certifie that Peter Lawrence & his wife Live in English fashion that they have a family of Likely Children who appear in English fashion and that if the Lands above pray'd for to be sold were Granted & the mony prudently laid out it would be of Real service to them & we humbly apprehend it is very necessary

JOHN CHANDLER } Trustees of the  
EDWD BAKER } Grafton Indians

— Mass. Archives, xviii., 817.

<sup>2</sup> Not found in the House Journal.

<sup>3</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is January 28.

*Voted* that a Sum not exceeding Thirty pounds be granted and paid out of the publick Treasury to the Committee aforesaid, to be given by them in Such Presents as they Judge best, to those Indians that are lately come from Susquehanah and to the Onientaus and Tuscororas Who are come to Settle within this Province.

And Whereas it may have an happy Tendency to Attach the several Tribes of Indians at the Westward to the British Interest provided their Sachems or Chiefs were distinguisheſ from the rest,

Therefore

*Voted* that a further Sum of thirty pounds be paid out of the Treasury to the Committee aforesaid in order to build two or three small Houses, or lay it out other ways as shall be most agreeable for the Use of the Coniengee and Onientas Sachems provided they shall bring their Families and Settle with the other Indians at the Westward within this Province

In Council Read & Concur'd, The Comm<sup>tee</sup> to be Accountable.

In the House of Representatives

Read & Concurred. [Passed January 28.<sup>1</sup>

## CHAPTER 156.

### VOTE ESTABLISHING THE WAGES AND SUBSISTENCE OF SOLDIERS AT THE FORTS AND GARRISONS AND THE OFFICERS AND MEN OF THE SLOOP MASSACHUSETTS.

Legislative  
Records of the  
Council, xix.,  
415. Mass.  
Archives,  
lxxiv., 55.

House Jour-  
nal, p. 113.

*Voted* that the Establishment of the Several Officers and Soldiers at the Several Forts and Garrisons on the Eastern & Western Frontiers be as follows Viz

at the Truick House on St Georges River

Including one Cap<sup>t</sup> one Serj<sup>t</sup> an Armourer & Sixteen men

At Pemaquid one Serj<sup>t</sup> & Six men

at Fort George one Serj<sup>t</sup> & four men

at Richmond Fort one Leiu<sup>t</sup> one Corporal one Armourer & twelve men

at Saco Block House one Leiu<sup>t</sup> one Corporal & Eight men the allowance to be as usual (viz) Garrison allowance

at Fort Massachusetts one Cap<sup>t</sup> one Serj<sup>t</sup> & thirteen men

at Fort Dummer one Serj<sup>t</sup> & four men

at Fort N<sup>o</sup> four one Cap<sup>t</sup> one Serj<sup>t</sup> & ten men

The allowance for Billiting at Fort Massachusetts Each man Six Shillings & Eight pence pr Week

at Fort Dummer four Shillings pr Week Each man

at Fort N<sup>o</sup> four four Shillings & Eight pence pr Week Each man

And that the afores<sup>d</sup> Officers and Soldiers be allowed & paid out of the Publick Treasury

To Each Cap<sup>t</sup> the Sum of two Pounds pr Month

To Each Leiu<sup>t</sup> one Pound ten Shillings & four pence

To Each Serj<sup>t</sup> one Pound Six Shillings & four pence

To Each Corp<sup>ll</sup> one Pound Six Shillings & three pence

To Each private Cent<sup>ll</sup> one Pound pr Month and that the Muster Rolls be made up to the Twentieth of June next agreeable to this Establishment Accordingly

*Voted* also that the Establishment for the sloop in the Service of the Province be at two Shillings and Eight pence per Tonn pr month.

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is January 27.

To the Captain two pounds thirteen Shillings and four pence per Month.

To the Mate two pounds Six Shillings and eight pence per month

To four Sailors at one pound Six Shillings and eight pence per Month

This Establishment to Continue until the third of July 1752.  
[Passed January 28.]

## CHAPTER 157.

### ORDER REFERRING WITH STAY OF EXECUTION THE PETITION OF JN<sup>o</sup> DENNIE.

A PETITION of John Dennie of Boston Merchant, shewing that John Phillips Esq<sup>r</sup> Executor of the last Will & Testament of the Petitioners Father, John Dennie late of Boston Dec<sup>d</sup> recovered Judgment against him for £812, & Cost, as a Debt from the Petitioner to his Fathers Estate, & for as much as he will have a Considerable Sum to receive as his Dividend, out of his Father's Estate, therefore praying that the Execution against him may be stayed, till the Settlement of his Fathers Estate, that so it may be known what is due upon a just Ballance of Accompts then to be made up

Read And inasmuch as the Parties Seem disposed to accommodate the Matter in dispute, which probably will be effected, if they are allow'd further time for the consideration thereof Therefore

*Ordered* that the further consideration of the Pet<sup>n</sup> be referr'd to next Sitting of this Court; and the Exon within mention'd is Staid in the mean time; Provided the Pet<sup>r</sup> give Sufficient Security to the Sheriff of the County of Suffolk to pay what Shall be found due from him on the Settlement of his Father's Estate with lawful Interest therefor, from this Day until paid. [Passed January 28.]

Legislative Records of the Council, xix., 403. Mass. Archives, xviii., 841.

Mass. Archives, xviii., 837-840. Legislative Records of the Council, xix., 421. House Journal, pp. 89, 91, 102, 119.

## CHAPTER 158.

### VOTE APPOINTING A COMTEE TO BORROW MONEY FOR THE TREASY.

THIS DAY being appointed for the Election of a Committee to borrow a Sum not exceeding Eighteen Thousand six hundred pounds to be applied to discharge the Debts of the Province & defrey the Charges of the Government, pursuant to an Act pass'd for that Purpose this present Session.

Andrew Oliver, Thomas Hubbard Esq<sup>rs</sup> & M<sup>r</sup> Harrison Gray were chosen to that Trust by the Major Vote of the Councel & House of Representatives. [Passed January 28.]

Legislative Records of the Council, xix., 421. Mass. Archives, cii., 672.

Legislative Records of the Council, xix., 421. House Journal, pp. 118, 119. Province Laws, iii., 600, chap. 16.

## CHAPTER 159.

### ORDER APPOINTING A COMTEE FOR BURNING BILLS OF CREDIT.

In Council

*Ordered* that John Osborne Ezek<sup>l</sup> Lewis Jacob Wendall Dan<sup>l</sup> Russell Sam<sup>l</sup> Watts Ezek<sup>l</sup> Chever John Wheelwright and Andrew

Legislative Records of the Council, xix., 421. Mass. Archives, cii., 673.

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council and the House Journal the date is January 23.

House Journal, p. 119.

Oliver Esq<sup>rs</sup> with such as the hon<sup>ble</sup> House shall Join be a Comitte to take an Account of the Province Bills now in the hands of the Treasurer, and of such Bills as from time to time shall come into his hands & Consume them to Ashes & report thereon

In the House of Rep<sup>tives</sup> Read & Concurred & m<sup>r</sup> speaker. m<sup>r</sup> Allen m<sup>r</sup> Tyng. m<sup>r</sup> Gray Judge Russell, Coll<sup>o</sup> Heath, m<sup>r</sup> Hunt. & Coll<sup>o</sup> Royall are joynd in the affair. [Passed January 28.]

## CHAPTER 160.

### VOTE DIRECTING THE COMMY GEN'L TO SUPPLY TWO INDIANS FROM CROWN POINT WITH CLOTHING AND £1. 6. 8 IN MONEY.

Legislative Records of the Council, xix., 422. Mass. Archives, xxxii., 237.

House Journal, p. 117.

*Voted* that the Commissary General be directed to Supply the Indian & his Wife who lately came from Crownpoint with Cloathing to the value of five pounds 6/ 8 & the further sum of One pound six shillings & Eight pence in money in Order to bear their Expences while Traveling to their Freinds who live in the southern parts of this Province. [Passed January 28.]

## CHAPTER 161.

### ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF ESSEX COUNTY.

Legislative Records of the Council, xix., 422. Mass. Archives, cclviii., 33.

Mass. Archives, cclviii., 33. House Journal, pp. 10, 116.

AN ACCOMPT presented by Daniel Appleton Esq<sup>r</sup> Treasurer of the County of Essex for the Year 1750. Having been laid before the Court of General Sessions of the Peace for the s<sup>d</sup> County & by them allowed.

Read and

*Ordered* that the within Accompt be allowed and the Ball<sup>a</sup> thereof being thirty eight pounds Six Shillings and Eight pence the within named Treasurer is further accountable to said County for. [Passed January 28.]

## CHAPTER 162.

### RESOLVE FOR CALL<sup>G</sup> A MEET<sup>G</sup> IN THE NEW DISTRICT MADE FROM SALEM.

Legislative Records of the Council, xix., 422.

Legislative Records of the Council, xix., 413. House Journal, p. 122. Province Laws, iii., 598, chap. 14.

WHEREAS by an Act made the present Session of this Court the Village & middle Parishes in the Town of Salem, are erected into a seperate District & invested with all the Priviledges that by Law Towns in this Province enjoy, that of sending a Representative to this Court only excepted, But no Provision made for the calling of the first Meeting of the Inhabitants of said new District, Therefore

*Resolved* that Daniel Epes Esq<sup>r</sup> upon application to him made for that Purpose, by five or more of the Inhabitants of said District in Writing under their Hands, be & hereby is enabled to issue his Warrant to some one of them, requiring him to warn & give Notice to said Inhabitants that they meet & assemble together at such Time & Place & for such Purposes as shall be mentioned in such Application, And said Inhabitants so assembled shall have full Power to act

& Vote as effectually as Towns in ordinary Cases at their Meetings ordered by their Select Men, according to the Directions of the Law are empowered to do. [Passed January 29.]

## CHAPTER 163.

VOTE THAT COMTEE FOR BURN<sup>g</sup> PROVINCE BILLS MAKE ENQUIRY FOR 12 BUNDLES OF SMALL BILLS NOT ACCOUNTED FOR.

*Voted* that the Comm<sup>tee</sup> appointed to take an Acco<sup>t</sup> of the Province bills now laying in the Treasurers hands & see that they be Consumed to Ashes, be directed to make particular Enquiry into Twelve bundles of small bills, which were in the hands of some of the signers & not delivered to the Treasurer 'till very lately, and see that they be Consumed to Ashes also & be particular in their report thereon. [Passed January 29.]

Legislative Records of the Council, xix., 423. Mass. Archives, cii., 1.  
House Journal, p. 121.  
*Ante*, p. 599, chap. 159.

## CHAPTER 164.

VOTE DIRECTING PROVINCE TREASURER TO PAY AMOUNTS DUE SOLDIERS ON MUSTER ROLLS.

*Voted* that the Province Treasury be & hereby is directed to pay to the several Soldiers, the Monies to them respectively due (as entered in the several Muster Rolls in his Hands, the Foot of which he has charged the Governm<sup>t</sup> with, & since credited them with the Money unpaid) out of the Appropriation for Forts & Garrisons made in the last Supply of the Treasury before this Season & that the Treasurer debit the Governm<sup>t</sup> with the several Sums he shall pay in Consequence of this Order. [Passed January 29.]

Legislative Records of the Council, xix., 423.  
House Journal, p. 121.  
Province Laws, iii., 543, chap. 15.

## CHAPTER 165.

VOTE ALLOWING £1,000 FOR REPAIRS TO THE LIGHT HOUSE.

Legislative Records of the Council, xix., 423.  
Mass. Archives, lxiv., 470.

*Voted* that One Thousand pounds be allow'd & paid out of the publick Treasury to the Comm<sup>tee</sup> appointed for the Repairs of the Lighthouse, & by them to be paid to the several Werkmen employ'd in said service The Comm<sup>tee</sup> to be Accountable. [Passed January 29.]

House Journal, p. 120.  
*Ante*, p. 543, chap. 13.

## CHAPTER 166.

VOTE ALLOWING £700 TO COMMITTEE ON CASTLE WILLIAM & £310 TO COMMITTEE ON PROVINCE HOUSE.

Legislative Records of the Council, xix., 423.

*Voted* that Seven hundred Pounds be allowed & paid out of the publick Treasury to the Comm<sup>tee</sup> for Castle William, & three Hundred & ten Pounds to the Comm<sup>tee</sup> for the Province House. The Com<sup>tees</sup> to be accountable. [Passed January 29.]

House Journal, p. 120.  
*Ante*, p. 490, chap. 207; p. 507, chap. 252.

## CHAPTER 167.

Legislative  
Records of the  
Council, xix.,  
423.

House Jour-  
nal, pp. 19, 30,  
36, 100, 120.  
*Ante*, p. 543,  
chap. 12.

## VOTE ALLOWING £13. 16. 8 TO COL. PARTRIDGE.

*Voted* that thirteen Pounds sixteen<sup>1</sup> shillings & eight pence be allowed & paid out of the publick Treasury to Oliver Partridge Esq<sup>r</sup> for his Trouble in taking a Plan of the Province Lands lying West of Connecticut River. [Passed January 29.]

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## CHAPTER 168.

## VOTE ALLOWING £14. 6 TO ARTHUR SAVAGE.

Legislative  
Records of the  
Council, xix.,  
421. Mass.  
Archives, cii.,  
674.

House Jour-  
nal, p. 121.  
*Ante*, p. 364,  
chap. 265.

A MEMORIAL of Arthur Savage of Boston one of the Clerks of the Com<sup>tee</sup> appointed by this Court to receive & exchange the Province Bills setting forth his Labour & Service & how much it has exceeded the Allowance made him for the Same, & therefore praying for an additional Allowance to be made by this Court for the said Service

Read &

*Voted* that the Prayer of the Memorial be so far granted as that the Memorialist be allow'd & paid out of the Publick Treasury the Sum of fourteen pounds Six Shillings (in addition to what was allow'd him by the Com<sup>tee</sup> of Council) for his Extraordinary service in officiate<sup>g</sup> as Clerk to the Com<sup>tee</sup> for Exchanging the Province Bills. [Passed January 29.]

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## CHAPTER 169.

## VOTE ALLOWING £30 TO LIEUT. JOHN LARRABEE.

Legislative  
Records of the  
Council, xix.,  
424. Mass.  
Archives,  
lxxiv., 56.

House Jour-  
nal, pp. 119, 121.

A MEMORIAL of John Larabee Lieutenant of his Majestys Castle William & victualler of the Garrison there, shewing that he has been obliged in order to supply the said Garrisons with Provisions, to raise Considerable Sums of Money, part of which he is obliged to pay Interest for, part to borrow on Credit & the other part he has disbursed, praying for Consideration of this Court by making him an Allowance for such Advance

[Read &]

*Voted* that the Prayer of the Memorialist be so farr granted as that the sum of thirty pounds be allowd & paid out of the Publick Treasury to the memorialist as a Gratuity for his faithfull services, & for Advanceing Money for the supply of the Garrison. [Passed January 29.]

<sup>1</sup> The House Journal, p. 120, reads, "six shillings."

## CHAPTER 170.

## ORDER IN REGARD TO SALE OF PROVINCE LANDS NEAR SUNDERLAND.

THE COMM<sup>TEE</sup> to whom was referr'd divers Petitions for Grants of Legislative Records of the Province Land lying near Sunderland &c. made a Verbal report thereon, Council, xix., 424.

Read & Accepted And,

*Ordered* that the Lands prayed for be advertized in the publick Prints & sold at publick Vendue by the Comm<sup>tee</sup> appointed by this Court in June last, for the Sale of Province Land lying Northerly of Sunderland & adjoining thereto, & partly on Millers River on the Conditions hereafter set forth, viz<sup>t</sup> the Land prayed for by Thomas Fairbanks, described by the Plan exhibited with his Petition, containing two thousand Acres to be set up at Fifty three Pounds, six shillings, or eight pence Lawfull Money p Acre, & to be [s]truck off to the highest Bidder, the Purchaser to pay down ten Dollars, Six of which to pay the Charge of the Surveyor & chainmen measuring & plaining the Same, the remainder arising by the said Sale to be paid into the Province Treasury within one Year after. The Purchaser to settle three Familys on said Land, each of which to be by him accomodated with a comfortable dwelling House, & to clear eighteen Acres of Land nine of which for mowing & nine for Tillage within three Years after the Purchase

That the Purchaser of the Land prayed for by Ezra Haughton pay down six Dollars four of which to pay the Survey & Plan the remainder arising by said Sale to be paid into the Treasury within one Year after the Sale thereof, the Purchaser to build a comfortable dwelling House on said Land settle a Family & clear six Acres of Land within three Years after the Purchase And that the Purchaser of the Land prayed for by Samuel Pool & William Botel pay down six Dollars three of which to pay for the charge of the Survey & Plan the remainder arising by said Sale to be paid into the Treasury within one Year after the Purchase. [Passed January 29.

House Journal, p. 101.  
Ante, p. 550,  
chap. 30.  
*Supra*, chap.  
171.

## CHAPTER 171.

ORDER INSTRUCTING THE COMM<sup>TEE</sup> FOR SELL<sup>G</sup> PROVINCE LANDS NEAR SUNDERLAND.

*Ordered* that the Com<sup>tee</sup> appointed for the Sale of Province Lands, lying Northerly of Sunderland & adjoining thereunto, & partly to Millers River &c. as also Lands petitioned for by Thomas Fairbanks & others be impowered to adjourn the said Sale from time to time as they shall judge proper.

Also

*Ordered* that the said Comm<sup>tee</sup> be impowered to execute good & legal Deeds to the Purchaser or Purchasers of said Land, they first giving Security to perform the Conditions of said Sale. [Passed January 30.

Legislative  
Records of the  
Council, xix.,  
425.

House Journal,  
p. 101.  
Ante, p. 550,  
chap. 30.  
*Supra*, chap.  
170.

## CHAPTER 172.

## ORDER IMPOWERING FRANCIS WELLES, GUARDIAN, TO JOIN WITH AN ADMINISTRATRIX IN SELLING REAL ESTATE.

Legislative  
Records of the  
Council, xix.,  
426. Mass.  
Archives,  
xviii., 830.

Mass.  
Archives,  
xviii., 828.  
House Jour-  
nal, pp. 120, 124.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Francis Welles Esqr Guardian to the Children, (being Minors)<sup>1</sup> of Joseph Blake late of Boston Distiller dec'd setting forth the Circumstances of the Deceaseds Estate, & praying that the real Estate may be sold for the payment of Debts & the Maintenance & Benefit of the Children

Read, and

*Order'd* that the foregoing Petion be granted, and that the Petitioner in his said Capacity, be, & he is hereby authorized, on behalf of the minor Children of s<sup>d</sup> Dece'd to joyn with the administ<sup>x</sup> of the said Dece'ds Estate, in making Sale of the whole of the Premises for the most that may be and to execute a good & sufficient Deed or Deeds of Conveyance of the same; They giving Publick notice thereof (previous to the Sale) in time & manner as prescribed in the Law of this Province made in the sixth Year of King George the first, touching the Sale of Real Estates: They first giving sufficient Caution to the Judge of Probate for the County of Suffolk that the Proceeds of such Sale shall be duly applyed to satisfye the Deceas'ds just Debts and what Charges have arisen and may arise for said minors their comfortable Support, and that the overplus (if such there be) shall be put out on Interest for the Benefit of said minors, and that their respective parts of both Principal & Interest (necessary Charges being first deducted) be deliver'd them when they shall arrive at Lawfull age or at marriage: The said Administ<sup>x</sup> & Guardian to be accountable to the Judge of Probate (for the time being) of the County aforesaid, for their Proceedings in the Premises. [*Passed January 30.*

## CHAPTER 173.

## VOTE THAT MEASURES BE TAKEN FOR REDEMPTION OF CAPTIVES IN CANADA.

Legislative  
Records of the  
Councel, xix.,  
426.

House Jour-  
nal, p. 121.

*Voted* that His Honour the Lieutenant Governor with the Advice of his Majestys Council, be desired to take speedy & effectual Care for redemption of the Captives now in Canada, at the Charge of the Governmt. [*Passed January 30.*

## CHAPTER 174.

ORDER REFERRING WITH STAY OF PROCEEDINGS THE PETITION OF CAPT. JN<sup>o</sup> WENDELL.

ON THE PETITION of Capt. John Wendell [*ante*, p. 423, chap. 37]

*Order'd* that the further consideration of of<sup>2</sup> the Petition of Cap<sup>n</sup> Jn<sup>o</sup> Wendell be referd to the next sitting of this Court, and all Processes in the Law are stayed, & all Strip & Waste on the Premises are forbid in the mean time. [*Passed January 30.*

<sup>1</sup> The parenthesis should, it seems, end here.

<sup>2</sup> *Sic.*

## CHAPTER 175.

ORDER APPOINTING A COMTEE FOR RUNNING THE LINE BETWEEN THE COUNTIES OF SUFFOLK & PLYMOUTH.

In Council

*Ordered* that John Jones Esqr with such as the Hon House shall join be a Committee to run & mark out the dividing Line between the two Countys of Suffolk & Plimouth agreeable to the Bill for ascertaining said Line now before the Court & that they return a plan thereof at the next sitting of the Court

In the House of Representatives

Read & Concurr'd & Coll<sup>o</sup> Buckminster is Joind in the Affair.  
[Passed January 30.]

Legislative Records of the Council, xix., 427. Mass. Archives, exvi., 179.

Mass. Archives, lxxxvii., 184. House Journal, p. 125. *Ante*, p. 425, chap. 43.

## CHAPTER 176.

ORDER REFERRING ALL UNFINISHED MATTERS.

*Ordered* that all Matters now before the Court which shall not be passed upon this Sitting, shall have the same Day on the next sitting of this Court. [Passed January 30.]

Legislative Records of the Council, xix., 427.

House Journal, p. 125.

## CHAPTER 177.

VOTE ALLOWING £16. 16 FOR FIRE WOOD AND £40 FOR SERVICES TO CAPT ROBT BALL.

A PETITION of Capt Robert Ball keeper of the Light House praying that he may be allowed his Charge in procuring Fewell for keeping the Oil in the Lamps from congealing & that his Salary which was due in Novembr last, & which is not sufficient for his Support may be Augmented

Read &

*Voted* that the prayer of the petition be so far granted as that the sum of Sixteen pounds sixteen shillings be p<sup>d</sup> out of the publick Treasury to the pet<sup>r</sup> being what he p<sup>d</sup> for firewood & the Sum of Forty pounds to be p<sup>d</sup> him out of the publick Treasury in full for his service from Nov<sup>r</sup> 8 1750 to Nov<sup>r</sup> 8 1751. [Passed January 30.]

Legislative Records of the Council, xix., 427. Mass. Archives, lxiv., 468.

Mass. Archives, lxiv., 467. House Journal, pp. 122 bis, 123.

## CHAPTER 178.

ORDER ALLOWING £18. 10 TO SAM<sup>L</sup> WEBB & £6. 6 TO SAM<sup>L</sup> WHITNEY.

ON THE PETITIONS of Samuel Webb & Samuel Whitney praying for an Allowance for the Repayment of their Ronsome Money out of their Captivity.

*Ordered* that the Sum of Eighteen Pounds ten shillings equal to three hundred Livers be paid to Samuel Webb, and that Samuel

Legislative Records of the Council, xix., 427. Mass. Archives, lxxiv., 36, 47.

House Journal, p. 121.  
Mass. Archives, Ixxiv., 46.

Whitney's Petition be so far granted as that there be paid to him out of the publick Treasury the Sum of Six Pounds six shillings equal to one hundred & twenty six Livers. [Passed January 30.]

## CHAPTER 179.

RESOLVE DIRECTING PROVINCE TREASURER TO GIVE PUBLIC NOTICE WHEN HE IS READY TO DISCHARGE TREASURY ORDERS, AND TO DISBURSE SILVER ONLY FOR CERTAIN GOVERNMENT SECURITIES.

Legislative Records of the Council, xix., 427.

Mass. Archives, ciii., 4. House Journal, p. 123. Province Laws, iii., 555, chap. 24. *Ante*, p. 369, chap. 265; p. 361, chap. 60.

WHEREAS divers Persons who were possessed of the Province Bills have taken Orders from the Com<sup>tee</sup> for exchanging the Same upon the Treasurer, Which Orders this Court has directed the Treasurer to discharge according to the Priority of their Dates, as Soon as he shall be possessed of the Sum of Three Hundred Pounds<sup>1</sup> & to give publick Notice accordingly, & so from Time to Time as he should become possessed of that Sum, & whereas the Possessors of such Notes are needlessly kept out of their Money, & the Province obliged thereby to pay Interest for Money which lies dead in the Treasury

*Resolved* that the Treasurer be & he hereby is directed so Soon & as often as he shall be possessed of Three Hundred<sup>2</sup> Pounds, to give publick Notice in the News Papers, that he is ready to pay & discharge such Orders as aforesaid, & if any Orders shall not be tendered within Thirty Days after such Publick Notice given, the Interest which would be otherwise due on such Orders shall then determine & cease

And whereas by a Resolve of this Court in October Session, It was ordered that the Bills of Credit which should be carried into the Treasury by the Managers of the Lottery should be exchanged by the Treasurer out of the Chest of Silver that was then remaining in the Treasury & by him to be applied, for the Discharge of those publick Debts, that were designed to be paid off by the Lottery, and as the Bills of Credit paid into the Treasury by Virtue of the Resolve aforesaid, do not amount to the Value of the said Chest of Silver

*Resolved* that the remainder of the Silver being part of the Parliamentary Grant, and also the remainder of the Silver received by the Treasurer for Impost, not heretofore appropriated be applyed for the redemption of the Governmt<sup>t</sup> Securities that became due the thirty first of December last, & for no other purpose whatsoever. [Passed January 30.<sup>3</sup>]

Legislative Records of the Council, xix., 429.

Mass. Archives, Ixv., 484. Province Laws, iii., 558, note. House Journal, p. 127. *Ante*, p. 369, chap. 82.

## CHAPTER 180.

VOTE FOR SELL<sup>6</sup> THE MASSACHUSETTS FRIGATE.

*Voted* that the Com<sup>tee</sup> appointed to take Care of the Massachusetts Frigate be directed to make Sale of the Same & Appurtunances for the best Advantage of the Province, as soon as may [be],<sup>4</sup> excepting Warlike Stores. [Passed April 3.]

<sup>1</sup> The State Library copy, Legislative Records of the Council, xix., 440, reads, "three thousand Pounds." See also Province Laws, iii., 555, chap. 24.

<sup>2</sup> Mass. Archives, ciii., 6, amends this amount to "One Thousand."

<sup>3</sup> Adjourned to April 2. See Legislative Records of the Council, xix., 428.

<sup>4</sup> Inserted from State Library copy, Legislative Records of the Council, xix., 442.

## CHAPTER 181.

## ORDER ALLOWING £150 FOR REPAIRS TO LIGHT HOUSE.

*Ordered* that the Sum of One hundred And fifty pounds be allowed out of the publick Treasury to the Comm<sup>ee</sup> appointed to take care of the Light House to Enable them to Effect the necessary Repairs there.

The said Comm<sup>ee</sup> to be Accountable. [Passed April 4.]

Legislative Records of the Council, xix., 430. Mass. Archives, lxiv., 485.

Legislative Records of the Council, xix., 347. House Journal, p. 129. Ante, p. 601, chap. 165.

## CHAPTER 182.

## ORDER ALLOWING £100 FOR REPAIRS TO PROVINCE HOUSE.

*Ordered* that the Sum of One hundred Pounds be allow'd out of the publick Treasury to the Com<sup>tee</sup> appointed to effect the necessary Repairs at the Province House, the said Com<sup>tee</sup> to be accountable. [Passed April 4.]

Legislative Records of the Council, xix., 430.

House Journal, p. 129. Ante, p. 601, chap. 166.

## CHAPTER 183.

## ORDER ALLOWING £200 FOR REPAIRS AT CASTLE WILLIAM.

*Ordered* that the Sum of Two hundred Pounds be allow'd out of the publick Treasury to the Com<sup>tee</sup> appointed to effect the Repairs of Castle William. The said Com<sup>tee</sup> to be accountable. [Passed April 4.]

Legislative Records of the Council, xix., 430.

House Journal, p. 129. Ante, p. 601, chap. 166.

## CHAPTER 184.

## ORDER FOR THE TRANSFER OF £1,000 TO THE APPROPRIATION FOR GRANTS.

*Ordered* that the Sum of One thousand Pounds be transferred from the Appropriation for the Defence of the Province, to the Appropriation for Grants. [Passed April 4.]

Legislative Records of the Council, xix., 430.

House Journal, p. 129. Province Laws, iii., 600, chap. 16.

## CHAPTER 185.

## ORDER FOR THE TRANSFER OF £550 TO THE APPROPRIATION FOR PAYMENT OF MEMBERS OF THE GENERAL COURT.

*Ordered* that the Sum of Five hundred & fifty Pounds be transferred from the Appropriation for the Defence of the Province, to the Appropriation, for the Payment of the Members of the Genl Court. [Passed April 4.]

Legislative Records of the Council, xix., 430.

House Journal, p. 129. Province Laws, iii., 600, chap. 16.

## CHAPTER 186.

## VOTE ACCEPTING REPORT OF THE COMMITTEE ON BURNING BILLS OF CREDIT.

Legislative  
Records of the  
Council, xix.,  
430. Mass.  
Archives, ciii.,  
11.

Mass.  
Archives, ciii.,  
12. House  
Journal, p. 12<sup>o</sup>.  
*Ante*, p. 599,  
chap. 159.

WE THE SUBSCRIBERS being appointed a Com<sup>tee</sup> by the General Court to repair to the Treasurers Office, & take an Acco<sup>t</sup> of the Province Bills in his hands (told up), & consume them to Ashes have attended that Service, and have received of M<sup>r</sup> Treasurer Foye three thousand six hundred twenty eight Pounds nineteen Shillings old Tenor Bills, Nine hundred & five Pounds three shillings & four pence Middle Tenor Bills, & Eight Thousand one hundred & thirty three Pounds two shill<sup>gs</sup> & four pence Last Emission Bills & have seen the Same Consumed to Ashes accordingly      Boston March 25. 1752.

JOHN OSBORNE

Read and Accepted and the Treasurer is discharg'd of the said Sum accordingly. [Passed April 4.]

## CHAPTER 187.

## VOTE ACCEPTING REPORT OF THE COMMITTEE DIRECTED TO MAKE ENQUIRY FOR 12 BUNDLES OF SMALL BILLS NOT ACCOUNTED FOR.

Legislative  
Records of the  
Council, xix.,  
431. Mass.  
Archives, ciii.,  
12.

House Jour-  
nal, p. 12<sup>o</sup>.  
*Ante*, p. 601,  
chap. 163.

THE SAID COM<sup>TEE</sup> [*supra*, chap. 186] find that on the 21<sup>st</sup> of February past, the Treasurer rec<sup>d</sup> the value of Twelve Bundles of the smallest Bills which were in the Hands of some of the Signers, & one Bundle more in the Hands of M<sup>r</sup> David Jeffries who has given the Province Credit therefor accordingly      And in Obedience to the Order of Court on the twenty ninth of January past rec<sup>d</sup> of the Treasurer viz<sup>t</sup> Forty one Pounds two shillings & six pence Bills of the Old Tenor, Twenty eight Pounds & one Penny Bills of the middle Tenor, and One hundred fifty six Pounds fourteen shillings & six pence Bills of the last Emission, amounting in the whole to One hundred & ninety five Pounds L E.<sup>1</sup> being the value of the afores<sup>d</sup> thirteen Bundles & have seen them consumed to Ashes accordingly

JOHN OSBORNE

Read and Accepted and the Treasurer is hereby discharged of the said Bills accordingly. [Passed April 4.]

## CHAPTER 188.

Legislative  
Records of the  
Council, xix.,  
431.

Mass.  
Archives, ciii.,  
16. House  
Journal, p. 12<sup>o</sup>.

## ORDER IMPOWERING THE TREASURER TO RECEIVE PROVINCE BILLS OF TAX COLLECTORS AND CONSTABLES.

*Ordered* that the Treasurer be directed & impowered to receive of the Constables & Collectors of the several Towns Province Bills for the outstanding Taxes due to the Province. [Passed April 6.<sup>2</sup>

<sup>1</sup> Last Emission.<sup>2</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is April 4.

## CHAPTER 189.

## ORDER REFERRING TO ONE OF THE PROVINCE HORSES.

*Ordered* that M<sup>r</sup> Bucknam be directed to take the Horse belonging to the Province, now in the hands of Col<sup>o</sup> Gerrish of Kittery, and dispose of him for three Months to the best advantage of the Province. [Passed April 6.]

Legislative Records of the Council, xix., 432. Mass. Archives, i., 226.  
House Journal, p. 131.

## CHAPTER 190.

## ORDER ALLOWING £20 TO ROBERT BALL, LIGHT HOUSE KEEPER.

A PETITION of Robert Ball keeper of the Light House setting forth the Services of himself & three Servants by assisting in the Repairs of the said Light House after it was burnt by transporting Materials from Boston & other Labour in the said Work, praying for an Allowance for their Time & Subsistence

Legislative Records of the Council, xix., 432. Mass. Archives, lxiv., 483.

Read and

*Ordered* that the Sum of twenty pounds be allowed and paid out of the publick Treasury to the Petitioner in Consideration of his Time Care and Expences during the late Repairs of the Light House. [Passed April 6.]

Mass. Archives, lxiv., 482.  
Legislative Records of the Council, xix., 347. House Journal, p. 131.

## CHAPTER 191.

## ORDER IMPOWERING THE CHARLESTOWN FERRY MEN TO LAY OFF A BOAT.

A PETITION of the Ferry Men concerned in the Ferry between Boston & Charlestown, shewing that by Reason of the Prevalency of the Small Pox in Boston the Number of Passengers is greatly lessened & therefore praying that they may be allowed to lay aside one of their four Boats during the Continuance of the said Sickness.

Legislative Records of the Council, xix., 432. Mass. Archives, cxli., 291.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be so far granted as that the fourth Boat within mentioned be Excused any Service till the next Sitting of this Court. [Passed April 6.]

Mass. Archives, cxli., 290. House Journal, p. 132.

## CHAPTER 192.

ORDER ACCEPTING REPORT OF COMMITTEE ON THE TREAS<sup>RS</sup> GENERAL ACCOT ENDING MAY 1744.

THE COM<sup>TEE</sup> to whom was refer'd the Examination of the Accompt of William Foye Esq<sup>r</sup> Treasurer & Receiver General of His Majestys Revenues within the Province of the Massachusetts Bay in New England begining May 1743 & ending May 1744, having attended that Ser-

Legislative Records of the Council, xix., 433.  
Legislative Records of the

Council, xix.,  
391, 416, 431.  
*Infra*, chap.  
193.

vice upon examining the Same find them Right Cast & well vouch'd, by which it appears that the said Accomptant chargeth himself with the Sum of Nine Thousand eight hundred & seventy two Pounds eighteen shillings & ten pence Old Tenor, so much rendered outstanding of the Tax as p<sup>t</sup> last Accompt, bear<sup>g</sup> Date 25 May 1743.

And the said Accomptant further chargeth himself with the Sum of Twenty Thousand seven hundred forty six Pounds three shillings & seven pence outstanding of the Taxes middle Tenor per last Acc<sup>t</sup> bearing Date 25 May 1743.

And the said Accomptant chargeth himself with the Sum of Twenty one Thousand six hundred & seven Pounds three shillings & eight pence three farthings, outstanding of the Taxes, & the further Sum of Twenty three thousand seven hundred thirty seven Pounds fourteen shillings & two pence farthing for a Tax granted by the General Court in May 1743, and the further Sum of One thousand five hundred sixty two Pounds nine shillings & ten pence farthing received of the several Commissioners of Excise, & the further Sun of Nine hundred fifty six Pounds, eighteen [shillings]<sup>1</sup> & seven pence three farthings, received of Daniel Russell Esq<sup>r</sup> Commissioner of Impost, & the Sum of Four Pounds six shillings & three pence, of Sundry Persons for Fines & with the Sum of Four thousand & eighty Pounds ten shillings & ten pence farthing Bills remaining in hand to Ballance last Accompt bearing Date 25 May [1743],<sup>1</sup> All which Sums together with the Sum of Seven Thousand two hundred & thirteen Pounds ten shillings & five Pence, (so much being equal to Twenty eight Thousand eight hundred fifty four Pounds one shilling & eight pence, old Tenor,) & twenty one Thousand two hundred thirty nine Pounds four shillings & four Pence three farthings so much being equal to twenty eight Thousand three hundred & eighteen Pounds nineteen shillings & two Pence one third middle Tenor Bills remaining in his Hands p<sup>t</sup> last Accompt bearing Date 25 May 1743 amounts to the Sum of Eighty thousand four hundred & one Pounds eighteen shill<sup>gs</sup> & 4<sup>d</sup> last Emission

And that the said Accomptant chargeth himself with the Sum of Two thousand nine hundred & fifteen Pounds Gold & Silver remaining in his Hands.

The Com<sup>tee</sup> also find that the said Accomptant dischargeth himself by seven thousand nine hundred & fifty one Pounds seven shillings Outstanding of Taxes, & the further Sum of One thousand nine hundred twenty one Pounds eight shill<sup>gs</sup> & ten pence Bills remaining in his hands, both which Sums amount to the Sum of Nine thousand eight Hundred seventy two Pounds fifteen shillings & ten pence to ballance the foregoing Charge of Old Tenor.

And he further dischargeth himself by six thousand six hundred & forty eight Pounds, seven shillings & ten pence outstanding of Taxes, and the Sum of fourteen thousand & ninety seven Pounds fifteen shillings & nine pence Bills in hand both which Sums amount to the Sum of Twenty thousand seven hundred & forty six Pounds three shillings & seven pence, to ballance the foregoing charge of middle Tennor.

And that he further dischargeth himself by sundry Payments & disbursem<sup>ts</sup> made by Order of His Excellency the Governour with the Advice of the Council amounting to Twenty two Thousand five hundred eighty one Pounds eight shillings & six pence half penny,

<sup>1</sup> Inserted from State Library copy, Legislative Records of the Council, xix., 446.

& by Bills burnt of several Tennors amounting to fourteen thousand three hundred thirty eight Pounds, fifteen shillings last Emission, & thirty five Thousand & one Pounds six shillings & five Pence three farthings outstanding of the Taxes, & by eight Thousand four hundred & eighty Pounds eight shillings & three pence three farthings bills received in by Taxes, Impost & Excise remaining in his hands, all which Sums amount to the Sum of Eighty thousand four hundred & one Pounds eighteen shillings & four pence, to ballance the foregoing Charge of last Emission.

The Comm<sup>tee</sup> are therefore of Opinion that the said William Foye Esq<sup>r</sup> Treas<sup>r</sup> be discharged of the several Payments, Amounting to Twenty two Thousand five hundred eighty one Pounds eight shillings & six pence half penny, Last Emission & for Bills burnt by a Comm<sup>tee</sup> of the General Court of the several Tennors, & reduced to last Emission, amounting to fourteen thousand three hundred thirty eight Pounds fifteen shillings & that he be further accountable for the Bills remaining in his Hands & for the several Sums outstanding in Taxes, when received in, & that he be further accountable for the Gold & Silver remaining in his Hands, Amounting to Two thousand nine hundred & fifteen Pounds fourteen Shillings.

Read & Accepted & the Treasurer is hereby discharged of the above written Sums accordingly.<sup>1</sup> [Passed April 7.

## CHAPTER 193.

### ORDER ACCEPTING REPORT OF COMMITTEE ON THE TREAS<sup>RS</sup> GENERAL ACCOUNT ENDING MAY 1745.

THE COM<sup>TEE</sup> to whom was refer'd the Examination of the Accompts of William Foye Esq<sup>r</sup> Treasurer & Receiver General of his Majesties Revenues within the Province of the Massachusetts Bay in New England beginning May 1744 & ending May 1745, having attended that Service upon examining the Same find them Right Cast & well vouch'd by which it appears that the said Accomptant Chargeth himself w<sup>th</sup> the Sum of Seven Thousand nine hundred & fifty one Pounds seven shillings outstanding in Taxes, and with the Sum of One thousand nine hundred & ninety one Pounds eight shillings & ten pence, Bills in his Hands to ballance last Accompt bearing Date 30<sup>th</sup> May 1744, both which Sums amount to the Sum of Nine thousand eight hundred & seventy Pounds fifteen shillings & ten pence Old Tenor.

Legislative Records of the Council, xix., 434. Mass. Archives, xxiv., 173.

Mass. Archives, xxiv., 136-173. Supra, chap. 192. *Infra*, chap. 194.

And that he further chargeth himself with the Sum of Six thousand six hundred & forty eight pounds seven shillings & ten pence Outstanding of the Taxes, & fourteen Thousand & ninety seven Pounds fifteen shillings & nine pence, Bills in hand to ballance last Accompt bearing Date 38,<sup>2</sup> May 1744, both which Sums amount to Twenty thousand seven hundred forty six Pounds three shillings & seven pence Middle Tenor.

And that he further Chargeth himself with the Sum of Thirty five thousand & one Pounds six shillings & five pence three farthings outstanding of the Taxes, & with the Sum of Twenty seven Thousand & one Pounds fourteen shillings & eight pence for a Tax granted by the General Court in May 1744, also with the Sum of One thousand three hundred & eighteen pounds eleven shill<sup>gs</sup> &

<sup>1</sup> Not found in the House Journal.

<sup>2</sup> Sic, it seems, for 30. See *infra*, p. 612.

eight pence received of the Several Commissioners of Excise & two Pounds ten shillings received for Fines, & one hundred & fourteen Thousand & fifty Pounds rec'd at Sundry Times of the Com<sup>tee</sup> for signing Bills, & Two hundred thirty five Pounds fourteen shillings & three pence, received of Edward Hutchinson Esq<sup>r</sup> surviving Trustee of the first fifty thousand Pounds Loan, and one thousand one hundred forty eight Pounds fourteen shillings & two pence half penny, received of Daniel Russell Esq<sup>r</sup> Commissioner of Impost, and the Sum of Sixty two Pounds thirteen shillings & four pence received of Joseph Wilder Esq<sup>r</sup> and with the Sum of Sixty four Pounds two shillings received of Ephraim Curtis Esq<sup>r</sup> All which Sums together with the Sum of Eight Thousand four hundred & eighty Pounds eight shillings & three pence three Farthings Bills in hand to Ballance last Accompt bearing Date 30<sup>th</sup> May 1744, amounting to the Sum of One hundred eighty seven Thousand two hundred sixty two Pounds fourteen shillings & eleven pence three farthings last Emission

And for Gold & Silver in hand p last Accompt, Two Thousand nine hundred & fifteen Pounds fourteen shillings & 206 Crowns 7 Sols French Coin.

The Com<sup>tee</sup> also find that the said Accomptant dischargeth himself by sundry Payments & disbursements made by Order of the Gov-ern<sup>r</sup> with the Advice of the Council Amounting to the Sum of One hundred & seventeen Thousand four hundred & thirty Pounds seven shillings & nine pence, & by Bills burnt of the several Tenors & reduced to last Emission is Twenty Thousand five hundred fifty six Pounds seventeen shillings & Six Pence, and with the Sum of Forty Thousand nine hundred & forty five Pounds seventeen shillings & eight pence, half penny, Outstanding of the Taxes, and by Eight Thousand four hundred thirty two Pounds twelve shillings & one farthing Bills in his hands, all which Sums amount to the Sum of One hundred eighty seven thousand three hundred sixty five Pounds fourteen shillings & eleven pence three farthings to ballance the foregoing Charge of last Emission.

And that he further dischargeth himself by six thousand One hundred ninety six Pounds six shillings & four pence Outstanding of the Taxes, & three thous<sup>d</sup> six hundred seventy six Pounds nine Shillings & Six pence Bills in his hands, both which Sums amount to the Sum of Nine Thousand eight hundred seventy two Pounds fifteen shillings & ten pence to ballance the foregoing Charge of Old Tenor.

And that he further dischargeth himself by three thousand nine hundred seventy five Pounds eight shillings & ten pence, Outstanding of Taxes, & sixteen Thousand Seven hundred & seventy Pounds fourteen shillings & nine Pence, Bills in hand, both which Sums amount to Twenty Thousand seven hundred forty six Pounds three shillings & seven pence, to ballance the foregoing Charge of middle Tenor.

The Com<sup>tee</sup> are therefore of Opinion that the said William Foye Esq<sup>r</sup> Treasurer be discharged of the above Payments, amounting to the Sum of One hundred & seventeen Thousand, four hundred & thirty Pounds seven shillings & nine pence, and of Twenty thousand five hundred fifty six Pounds seventeen shillings & six Pence Bills burnt by a Com<sup>tee</sup> of the General Court, and that he be further accountable for the several Sums above mentioned Bills in his Hands, & for the respective [sums]<sup>1</sup> abovementioned outstanding when re-

<sup>1</sup> Inserted from Mass. Archives, cxxiv., 173.

ceived in, & that he be further accountable for the Gold & Silver in hand per Account above & for 206 Crowns, 7 Sols French Coin.

Read and Accepted and the Treasurer is hereby discharged of the above written Sums accordingly.<sup>1</sup> [Passed April 7.

## CHAPTER 194.

### ORDER ACCEPTING REPORT OF COMMITTEE ON THE TREAS<sup>RS</sup> GENERAL ACCO<sup>T</sup> ENDING MAY 1746.

THE COM<sup>TEE</sup> to whom was refer'd the Examination of the Accomp<sup>t</sup> of William Foye Esq<sup>r</sup> Treasurer & Receiver General of his Majesty's Revenue, within the Province of the Massachusetts Bay in New England begining May 1745 & ending May 1746, having attended that Service upon Examining the Same find them right Cast & well vouch'd, by which it appears that the said Accompant chargeth himself with the Sum of Six thousand one hundred ninety six Pounds six shillings & four pence outstanding of the Taxes, & with the Sum of three thousand six hundred seventy six Pounds nine shillings & six pence, Bills in hand, both which Sums amount to the Sum of Nine Thousand eight hundred seventy two Pounds fifteen shillings & ten pence Old Tenor

And that he further Chargeth himself with the Sum of Three Thousand nine hundred seventy five Pounds, eight shillings & ten pence Outstanding of Taxes, & Sixteen Thousand seven hundred & seventy Pounds fourteen shillings & nine Pence, Bills in hand both which Sums amount to the Sum of Twenty thousand seven hundred forty six Pounds, three shillings & seven pence Middle Tenor.

And that he further chargeth himself with the Sum of Forty thousand nine hundred forty five Pounds, seventeen shillings & eight pence half penny, Outstanding of the Taxes, & thirty two Thousand six hundred fifty six Pounds eight shillings & six pence a Tax granted by the General Court in May 1746,<sup>2</sup> also with the Sum of One thousand two hundred seventy seven Pounds twelve shillings & three Pence three farthings, received of the several Commissioners of Excise, & two hundred sixty four Pounds thirteen shillings & six pence received for Fines. And also the Sum of Two hundred & one Thousand one hundred eighty one Pounds five shillings received at Sundry times of the Com<sup>tee</sup> for signing Bills & twenty five Pounds eight shillings & eight pence half penny received of Robert Auchmuty Esq<sup>r</sup> due to the Province for Seizures, & two hundred & twenty two Pounds rec<sup>d</sup> back for Bounty Money & Twenty two Pounds ten shillings received for Land sold by a Com<sup>tee</sup> of the General Court, & one hundred sixty one Pounds six shillings & two Pence, rec<sup>d</sup> of the Com<sup>tee</sup> of the £100,000 Loan, & thirty nine Pounds ten shillings being so much rec<sup>d</sup> back of Col<sup>o</sup> Samuel Waldo on Account of the late Expedition to Louisburgh, & one Thousand five hundred ninety four Pounds nine shillings & four pence received of Daniel Russell Esq<sup>r</sup> Commiss<sup>r</sup> of Impost, all which Sums together with the Sum of Eight thousand four hundred thirty two Pounds twelve shillings & one farthing Bills in hand, to ballance last Accomp<sup>t</sup> bearing Date 29<sup>th</sup> May 1745, amounts to the Sum of Two

Legislative  
Records of the  
Council, xix.,  
436.

*Supra* chap.  
193. *Infra*,  
chap. 195.

<sup>1</sup> Not found in the House Journal.

<sup>2</sup> The date given is a mistake. The tax was granted in 1745. See Province Laws, iii., 223, chap. 1.

hundred eighty six thousand eight hundred twenty three Pounds thirteen shillings & three pence last Emission, & for Gold in hand p<sup>t</sup> last Accompt Two Thousand nine hundred & fifteen Pounds, fourteen shillings, & 206 Crowns 7 Sols french Coin

The Com<sup>tee</sup> also find that the said Accomptant dischargeth himself by Six Thousand & nine Pounds one Shilling & eleven pence Outstanding for Taxes, & three Thousand eight hundred sixty three Pounds, thirteen shillings & ten pence Bills in hand, both which Sums amount to the Sum of Nine thousand eight hundred seventy two Pounds fifteen shillings & ten pence to ballance the Charge foregoing of Old Tenor.

And that he further dischargeth himself by Two thousand seven hundred & twenty Pounds fourteen shillings & seven pence, Outstanding in Taxes, and Eighteen Thousand twenty five Pounds nine shillings Bills in hand, both which Sums amount to the Sum of Twenty Thousand, seven hundred forty six Pounds three shillings & seven pence to ballance the Charge foregoing of middle Tenor.

And that he further dischargeth himself by sundry Payments & Disbursem<sup>ts</sup> made by Order of the Governour with the Advice of the Council, amounting to Two hundred & twenty thousand, seven hundred thirty three Pounds eight shillings & eight pence, also with Bills burnt of the several Denominations, & reduced to last Emission amounting to Seven thousand one hundred fifty three Pounds nineteen shillings & two pence and by Forty eight thousand seven hundred & twenty Pounds three shillings & two pence three farthings Outstanding of the Taxes, & by ten Thousand two hundred & sixteen Pounds two shillings & two Pence farthing, Bills in hand, All which Sums amount to the Sum of Two hundred eighty six thousand eight hundred, & twenty three Pounds thirteen shillings & three pence, to ballance the foregoing Charge of last Emission.

The Com<sup>tee</sup> are therefore of Opinion that the said William Foye Esq<sup>r</sup> Treasurer be discharged of the Above Payments amounting to Two hundred & twenty thousand seven hundred thirty three Pounds eight shillings & eight pence, & of the Sum of Seven thousand one hundred fifty three Pounds nineteen shillings & two pence Bills burnt by a Com<sup>tee</sup> of the General Court & that he be further accountable for the Bills in hand abovementioned, also for the respective Sums aforementioned outstanding in Taxes, when rec<sup>d</sup> in, & that he be further Accountable for the Gold & Silver in hand being Two Thousand nine hundred & fifteen Pounds fourteen shillings, & two hundred & six Crowns 7 Sols French Coin

Read & Accepted & the Treasurer is discharged of the above Sums accordingly.<sup>1</sup> [Passed April 7.

## CHAPTER 195.

### ORDER ACCEPTING REPORT OF COMMITTEE ON THE TREAS<sup>RS</sup> GENERAL ACCO<sup>T</sup> ENDING MAY 1747.

Legislative  
Records of the  
Council, xix.,  
437. Mass.  
Archives,  
cxxiv., 218-220.

THE COM<sup>TEE</sup> to whom was refer'd the Examination of the Accompt of William Foye Esq<sup>r</sup> Treasurer & Receiver General of His Majestys Revenue within the Province of the Massachusetts Bay in New Eng-

<sup>1</sup> Not found in the House Journal.

land begining May 1746, & ending May 1747, having attended that Service; upon Examining of the Same find them right Cast & well vouch'd by which it appears that the said Accomptant chargeth himself with the Sum of Six Thousand & nine Pounds one shilling & eleven pence Outstanding of the Taxes, also w<sup>th</sup> the Sum of three thousand eight hundred & sixty three Pounds, thirteen shillings & eleven pence so much Bills in his hands, to ballance last Accomp bearing Date 22<sup>d</sup> May 1746, both which Sums amount to nine thousand eight hundred & seventy two Pounds fifteen shillings & ten pence Old Tenor.

Mass.  
Archives,  
ccxlv., 174—220.  
*Supra*, chap.  
194. *Infra*,  
chap. 196.

And that he also chargeth himself with the Sum of Two Thousand seven hundred & twenty Pounds fourteen shillings & seven pence being so much Outstanding of the Taxes also with the Sum of Eighteen Thousand & twenty five Pounds nine shillings Bills in hand to ball<sup>a</sup> last Account bearing Date 28 May 1746, both which amount to the Sum of Twenty thousand seven hundred forty six Pounds three shillings & seven pence middle Tenor.

And that he further chargeth himself with the Sum of Forty eight Thousand seven hundred & twenty Pounds three shillings & two pence half penny outstanding of the Taxes, also with the Sum of Thirty one thousand & sixty one Pounds one shilling for a Tax granted by the General Assembly in May 1746, also for the Sum of One Thousand eight hundred & eighteen Pounds four shillings & two pence received of the several Commissioners of Excise, also the Sum of Fifty six Pounds nine Shillings & nine pence received for Fines, also the Sum of One thousand six hundred seventy nine Pounds seven shillings & eleven pence received back of enlisting Money, and of the Com<sup>tee</sup> for the Lottery, and of Province Land sold &c. and also for the Sum of One hundred forty eight Thousand nine hundred & eleven Pounds seventeen shillings, new Bills, received at sundry Times of the Com<sup>tee</sup> for signing Bills, Also the Sum of Two Thousand five hundred & ninety one Pounds seventeen shillings & ten pence, received of Daniel Russell Esq<sup>r</sup> Commissioner of Impost, All which Sums together with the Sum of Ten thousand two hundred sixteen Pounds & two pence farthing Bills in hand to ballance last Accomp bearing Date 28 May 1746, amount to the Sum of Two hundred forty five thousand & sixty three Pounds three shillings three farthings last Emission.

And for Gold & Silver in hand by last Account, Two thousand nine hundred & fifteen Pounds fourteen shillings according to Act, & for 206 Crowns 7 Sols rec<sup>d</sup> of Capt Legalais as a Moiety of the Flag of Truce that went to Louisburgh.

The Com<sup>tee</sup> also find that the said Accomptant discharges himself by sundry Payments & Disbursem<sup>t</sup>s made by Order of the Governour with the Advice & Consent of the Council, Amounting to the Sum of One hundred & seventy seven thousand two hundred twenty one Pounds, nineteen shillings & five Pence three farthings

Also for Bills burnt of the several Denominations viz<sup>t</sup> three thousand three hundred & two Pounds ten shillings Old Tenor, is last Emission Eight hundred & twenty five Pounds twelve shillings & six pence, & One Thousand One hundred Eighty eight Pounds twelve shillings & four pence, middle Tenor is at its inhaunced Value so much last Emission, and the Sum of Three thousand two hundred & ten Pounds fifteen shillings last Emission, All which amounts to five thousand two hundred twenty four Pounds nineteen shillings & ten pence last Emission, and for the Sum of Forty nine thousand

seven hundred twenty & nine Pounds two shillings & Six pence half penny, Outstanding of the Taxes, and by twelve thousand eight hundred eighty seven Pounds one shilling & two Pence half penny Bills received by Taxes Impost Excise &c in his Hands all which Sums amount to the Sum of Two hundred forty five thousand & sixty three Pounds three shillings & three farthings to ballance the foregoing Charge of last Emission.

And that he further dischargeth himself by two Thousand one hundred thirty one Pounds ten shillings & six pence outstanding of the Taxes, Also the Sum of Eighteen thousand six hundred fourteen Pounds thirteen shillings one Penny in hand both which Sums amount to twenty thousand seven hundred forty six Pounds three shill<sup>gs</sup> & seven Pence middle Tenor to ballance the foregoing Charge of middle Tenor.

And that he further dischargeth himself by Five thous<sup>d</sup> one hund<sup>d</sup> fifteen Pounds sixteen shill<sup>gs</sup> & nine Pence outstanding of the Taxes, Also the sum of Four thous<sup>d</sup> seven hund<sup>d</sup> & fifty six Pounds nineteen shill<sup>gs</sup> & one penny, both w<sup>ch</sup> Sums amount to nine thous<sup>d</sup> eight hund<sup>d</sup> & seventy two Pounds fifteen shill<sup>gs</sup> & ten pence to ballance the foregoing Charge of old Tenor.

The Com<sup>tee</sup> are therefore of Opinion that the said William Foye Esq<sup>r</sup> Treasurer be discharged of the foregoing Payments, amounting to one hundred & seventy seven Thousand, two hundred & twenty one Pounds nineteen shillings & five Pence three farths & the Sum of Five thousand two hundred & twenty four Pounds nineteen shillings & ten pence Bills burnt by the Com<sup>tee</sup> & that he be further accountable for the respective Sums above mentioned, Bills remaining in his hands, also for the several Sums above mentioned that are outstanding as he receives them in, the foregoing Bills in hand being twelve thousand eight hundred & eighty seven Pounds one shilling & two Pence,  $\frac{1}{2}$  & the Bills outstanding being Forty nine thousand seven hundred & twenty nine Pounds two shillings & six pence half penny, last Emission. And the Bills in hand midle Tenor as beforementioned being Eighteen Thousand six hundred & fourteen Pounds, thirteen shillings & one penny, And the Outstanding middle Tenor being Two thousand one hundred & thirty one Pounds ten shillings & six pence, And the forementioned Bills in hand Old Tenor being five thousand one hundred & fifteen Pounds sixteen shillings & nine pence, And the Outstanding Old Tenor being Four thousand seven hundred & fifty Six Pounds nineteen shillings & one penny

We find also that the said Acomptant dischargeth himself by several Payments of Silver, pursuant to the Orders of the General Assembly amounting to 788 $\frac{3}{4}$  oz @ 6/8, is two hundred Sixty two Pounds eighteen shillings & four pence, and by so much Silver & Gold in hand as amounts to Two Thousand six hundred & fifty two Pounds fifteen shill<sup>gs</sup> & eight pence for which he is further accountable to ballance the foregoing Charge of Gold & Silver, and further accountable also for two hundred & 6 Crowns 7 Sols French Coin

Read and Accepted and the Treasurer is hereby discharg'd of the above written sums accordingly.<sup>1</sup> [Passed April 7.

<sup>1</sup> Not found in the House Journal.

## CHAPTER 196.

ORDER ACCEPTING REPORT OF COMMITTEE ON THE TREAS<sup>RS</sup> GENERAL  
ACCO<sup>T</sup> ENDING MAY 1748.

THE COM<sup>TEE</sup> to whom was refer'd the Examination of the Accompts of William Foye Esqr Treasurer & receiver General of His Majestys Revenues within the Province of the Massachusetts Bay in New England beginning May 1747, & ending May 1748, having attended that Service upon examining the Same find them right Cast & well vouch'd, by which it appears that the said Accomptant chargeth himself with the Sum of Five Thousand one Hundred & fifteen Pounds sixteen shillings & nine pence rendered outstanding of ye Taxes also with the Sum of Four thousand seven hundred & fifty six Pounds nineteen shill<sup>gs</sup> & one Penny, bills in hand, the ballance of last Accompt bearing Date 27 May 1747, both which Sums amount to Nine Thousand eight hundred & seventy two Pounds fifteen shillings & ten pence old Tenor.

Legislative Records of the Council, xix., 439.

Mass. Archives, cxxiv., 231-276.  
*Supra*, chap. 195. *Infra*, chap. 197.

That he also chargeth himself with the Sum of Two Thousand one hundred & thirty one Pounds ten shillings & six pence being so much outstanding of the Taxes, also with the Sum of Eighteen Thousand six hundred & fourteen Pounds thirteen shillings & one penny, both which amount to the Sum of Twenty Thousand seven hundred & forty six Pounds three shillings & seven pence middle Tenor.

And that he further chargeth himself with the Sum of Forty nine Thousand seven hundred & twenty nine Pounds two shillings & six pence,  $\frac{1}{2}$  outstanding of the Taxes also with Forty one Thousand nine hundred eighty one Pounds five shillings & one penny for a Tax granted by the General Court in May 1747, also with the Sum of Two thousand six hundred twenty two Pounds ten shillings & seven pence received of the several Commissioners of Excise, also the Sum of Twenty three Pounds three shillings & nine Pence rec<sup>d</sup> for Fines, also the Sum of Two Thousand four hundred twenty seven Pounds ten Shillings rec<sup>d</sup> back of Eliakim Hutchinson Esqr on Account of the Canada Expedition & of Andrew Oliver Esqr on Account of the Lottery, & of the Town of Elbows for so much Laid on them per Order of Court in their first Settlement, & for Land near Worcester, & for Thirty Pounds short paid Richard Hubbard late Door-keeper, & also twenty eight thousand two hundred & ninety Pounds received of the Com<sup>tee</sup> for signing Bills also the Sum of Two thousand six hundred & forty five Pounds eight shillings & three pence, received of Daniel Russell Esqr Commissioner of Impost, & Six hundred & twenty Pounds 1 $\frac{1}{2}$  so much Tunnage Money returned to be collected from the several Sea Port Towns according to Act. All which Sums together with the Sum of Twelve thousand eight hundred eighty seven Pounds one shilling & two pence half penny Bills in hand, to ballance last Accompt bearing Date May 27, 1747, amounts to the Sum of One hundred forty One thousand two hundred & twenty seven Pounds eighteen shillings & four pence last Emission.

And further the said Accomptant chargeth himself with the Sum of Six thousand five hundred seventy one Pounds three shillings & eight pence last Emission to ballance this Accompt. And also chargeth himself for Gold & Silver in hand p last Accompt, Two

Thousand six hundred & fifty two Pounds fifteen shillings & eight pence according to Act, & for Two hundred & six Crowns 7 Sols French Coin.

The Com<sup>tee</sup> also find the said Accomptant dischargeth himself by Four thousand five hundred & eighty Pounds ten shillings & three pence outstanding of Taxes, & by five thousand two hundred & ninety two Pounds five shillings & seven pence Bills remaining in Hand, both amounting to Nine Thousand eight hundred & seventy two Pounds fifteen shillings & ten pence to ballance the forgoing charge of Old Tenor

And that he further dischargeth himself by Two Thousand & ninety five Pounds seven shillings outstanding of the Taxes, & by Eight Thousand seven hundred Sixty one Pounds, eleven shillings & six pence middle Tenor, so much being equal to Six thousand five hundred seventy one Pounds three shillings & eight pence for which said Accomptant has charged himself to ballance the Acco<sup>t</sup> of last Emission, the middle Tenor, Taxes &c. having been discharged from time to time in last Emission Bills & by Nine thousand eight hundred & eighty nine Pounds, five shillings & one Penny Bills in Hand. The whole amounting to Twenty thousand seven hundred & forty six Pounds three shillings & seven pence to ballance the foregoing Charge of midle Tenor

And also further dischargeth himself by sundry Payments amounting to Eighty four Thousand seven hundred & fifty four Pounds, fifteen shillings & five Pence half penny, and by Bills burnt of the several Denominations & reduced to the last Emission makes four Thousand three hundred & ninety three Pounds, seventeen shillings & four pence; and by fifty eight Thousand one hundred & sixty five Pounds, sixteen shillings & a half penny, Outstanding of the Taxes, & by four hundred & eighty four Pounds thirteen shillings & two pence Outstanding of Tonnage Money. All which Sums amount to one hundred & forty seven thousand seven hundred ninety nine Pounds two shillings to ballance the foregoing Charge of Last Emission.

The Com<sup>tee</sup> are therefore of Opinion that the said William Foye Esq<sup>r</sup> Treasurer be discharged of the Sum of Eighty four Thousand seven hundred & fifty four Pounds fifteen shillings & five pence half penny Bills of the last Emission, being for sundry Payments he has made, and also the Sum of Four thousand three hundred ninety three Pounds seventeen shillings & four pence Bills burnt by the Com<sup>tee</sup>

And that the said Treasurer be further Accountable for the Bills remaining in his hands as abovementioned, vizt for Five Thousand Two Hundred ninety two Pounds five shillings & Seven pence, Old Tenor & for Nine Thousand eight hundred eighty nine Pounds five shillings & one penny, Middle Tenor

And that he be further Accountable for the Several Sums above mentioned that are Outstanding in Taxes when received in, being Four thousand five hundred & Eighty Pounds ten shillings, & three pence Old Tenor, & for Two thousand & ninety five Pounds seven shillings middle Tenor, and for fifty eight thousand one hundred & sixty five Pounds, sixteen shillings & a half penny last Emission & also for Four hundred eighty four Pounds thirteen shillings & two pence, last Emission for so much outstanding of Tunnage Money

We find also that the said Accomptant dischargeth himself by

One hundred Ounces of Silver @ ½ paid Samuel Welles Esqr & Commissioners on the Affair of the Province to New York is Thirty three Pounds, six shillings & eight pence, and also by so much Gold & Silver in hand as amounts to Two thousand Six hundred & nineteen Pounds & nine shillings for which he is further accountable, to ballance the foregoing Charge of Gold & Silver & also further accountable for two hundred & six Crowns 7 Sols French Coin remaining in his Hands. The Com<sup>tee</sup> are further of Opinion that the Treasurer be directed in the next Accompt made when the Bills of the Old Tenor, when the Bills were to be drawn into the Denomination of the New Tenor or last Emission, & that in adjusting the Same regard be had to the Difference allow'd him in this Accompt, between the middle Tenor & New Tenor, all which is humbly submitted.

THO. HUTCHINSON per Order.

Read & Accepted with the following Amendment viz<sup>t</sup> that the Treasurer be directed to bundle up the Bills in hand of the several Denominations in several Bundles for the Examination & disposition of this Court, and the Treas<sup>r</sup> is discharged of the above written Sums accordingly.<sup>1</sup> [Passed April 7.

## CHAPTER 197.

### ORDER ACCEPTING REPORT OF COMMITTEE ON THE TREAS<sup>RS</sup> GENERAL ACCO<sup>T</sup> ENDING MAY 1749.

THE COM<sup>TEE</sup> to whom was refer'd the Examination of the Accompts of William Foye Esqr Treasurer & Receiver General within the Province of the Massachusetts Bay in New England, begin<sup>g</sup> May 1748, & ending 31<sup>st</sup> May 1749, having attended that Service upon examining the Same find them right Cast & well vouch'd, by which it appears that the said Accomptant chargeth, himself with the Sum of Four thousand five hundred & eighty Pounds ten shillings & three pence so much rendered Outstanding of the Taxes, Old Tenor, and also with the Sum of two Thousand & ninety five Pounds seven shillings, being so much rendered outstanding of the Taxes middle Tenor

Legislative Records of the Council, xix., 441. Mass. Archives, cxxiv., 319—321.  
Mass. Archives, cxxiv., 277—321.  
*Supra*, chap. 196. *Infra*, chap. 198.

And that he further chargeth himself with the Sum of Fifty eight Thousand one hundred & sixty five Pounds sixteen shillings & a half penny rendered Outstanding of the Taxes last Emission, also with the Sum of Ninety five Thousand five hundred & eight Pounds five Shillings for a Tax granted by the General Assembly May 1748, also with the Sum of Two Thousand & eighty one Pounds fourteen shillings & two pence rec<sup>d</sup> of the several Commissioners of Excise, also with the Sum of Five Pounds received for Fines, also with the Sum of Five hundred forty nine Pounds one shilling & three pence rec<sup>d</sup> of Thomas Hubbard Esqr & Com<sup>tee</sup> on Account of Cloathing sold at publick Sale & four hundred Pounds rec<sup>d</sup> back of Eliakim Hutchinson, Esqr on Account of what he received for the Canada Expedition, & two Thousand Pounds rec<sup>d</sup> of the Com<sup>tee</sup> of War for Stores, sold on Account of the said Expedition, and also Five hundred & fifty Pounds rec<sup>d</sup> of Thomas Hubbard Esqr & Com<sup>tee</sup> on Account of the Sale of the Boston Pacquet, & Seven Pounds ten shillings

<sup>1</sup> Not found in the House Journal.

rec'd back of Capt William Richardson, so much over paid on Sergeant Houghtons Roll.

Also four Thousand & twenty three Pounds six shillings & six pence, received of Daniel Russell Esq<sup>r</sup> Commissioner of Impost, & thirty one Thousand four hundred & fifty Pounds Province Bills last Emission received of the Com<sup>tee</sup> for signing and also Two Thousand five hundred & sixty Pounds fourteen shillings & seven pence farthing received by him as one of the Commissioners appointed by the General Court to bring to an End the £100,000 loan, & Four hundred eighty four Pounds thirteen shillings & two pence, Tunnage Money rendered Outstanding, & seventy one Pounds twelve shillings & ten pence, Tunnage Money returned since Last Accompt, from the several Sea Port Towns, according to Act. All which Sums together with the Sum of One Thousand three hundred & twenty three Pounds one shilling & four pence, three farthings, which said Accomptant chargeth himself in lieu of £5,292.5.7 Old Ten<sup>r</sup> Bills in hand to ballance Last Accompt, also seven thousand four hundred & sixteen Pounds eighteen shillings & nine pence, three farthings L. E.<sup>1</sup> so much being equal to £9,889.5.1 middle Tenor, Bills in hand to ballance last Accompt bearing Date May 25, 1748, amount in the whole to the Sum of Two hundred & six Thousand five hundred & ninety seven Pounds thirteen shillings & nine pence farthing Last Emission The said Accomptant also chargeth himself for Gold & Silver in hand p last Accompt Two Thousand six hundred & nineteen Pounds nine shillings according to Act & for 206 Crowns 7 Sols French Coin.

The Com<sup>tee</sup> find that the said Accomptant discharges himself by sundry Payments & Disbursem<sup>t</sup>s made by Order of His Excellency the Governour, with the Advice of the Council amounting to the Sum of Eighty eight Thousand, one hundred & ten Pounds five shillings & eleven pence, three farthings last Emission, also by Bills burnt of the Several Denominations & reduced to Last Emission, make Five thousand three hundred & twenty Pounds, four shillings & two pence & by One hundred & eight Thousand nine hundred & nine Pounds & four pence  $\frac{3}{4}$  outstanding of the Taxes, L. E.<sup>1</sup> & by three hundred & twelve Pounds three shillings & seven pence Outstanding of Tunnage Money & by three thousand nine hundred & forty five Pounds nineteen shillings & seven pence half penny, Bills received by Taxes & Impost, Excise &c. in his hands. All which Sums amount to the Sum of Two hundred & six thousand five hundred & ninety seven Pounds thirteen shillings & nine Pence, half pēny to ballance the foregoing Charge of Last Emission And that he further discharges himself by One thousand eight hundred & ninety three Pounds thirteen shillings, Outstanding of the Taxes, & by two hundred & one Pounds fourteen shillings in hand, both which Sums amount to Two Thousand & ninety five Pounds seven Shillings to ballance the forgoing Charge of midle Tenor

He further discharges himself by Four Thousand two hundred & fifty six Pounds two shillings & three pence Outstanding of Taxes & by three hundred & twenty four Pounds eight shillings Bills in hand, both which Sums amount to four Thousand five hundred & eighty Pounds ten shillings & three pence, to ballance the foregoing Charge of Old Tenor.

The Com<sup>tee</sup> are therefore of Opinion that the said William Foye

<sup>1</sup> Last Emission.

Esq<sup>r</sup> Treasurer be discharged of the Sum of Eighty Eight Thousand one hundred & ten Pounds five shill<sup>s</sup> & eleven pence  $\frac{3}{4}$  Bills of the Last Emission being for sundry Payments he has made & also of the Sum of Five Thousand three hundred & twenty Pounds four shillings & two pence, Bills burnt by a Com<sup>tee</sup> of the General Court, and that the said Treas<sup>r</sup> be further Accountable for the Bills remaining in his hands above mentioned, viz<sup>t</sup> for three hundred & twenty four Ponnds eight shillings old Tenor, & for two hundred & one Pounds fourteen shillings middle Tenor & for three thousand nine hundred & forty five Pounds nineteen shillings & seven pence half penny L E.<sup>1</sup>

Also that he be further accountable for the Several Sums above mentioned that are Outstanding in Taxes when received in, viz<sup>t</sup> for four Thousand two hundred & fifty six Pounds two shillings & three pence, Old Tenor, and for One thousand eight hundred ninety three Pounds, thirteen shillings middle Tenor, & for One hundred & eight Thousand nine hundred & nine Pounds & four pence three farth<sup>gs</sup> last Emission.

We find that the said Accomptant dischargeth himself by One hundred Ounces of Silver paid Andrew Oliver Esq<sup>r</sup> & Commissioners to go to Albany at  $\frac{1}{8}$  is Thirty three Pounds six shillings & eight pence, and by so much Silver & Gold in hand as amounts to Two thousand five hundred eighty six Pounds two shill<sup>s</sup> & four pence for which he is further accountable to ballance the foregoing Charge of Gold & Silver, and also for 206 Crowns 7 Sols French Coin, & that the Treasurer be Accountable for what may yet be unpaid on the several Muster Rolls

In the Name & by Order of the Com<sup>tee</sup> THO. HUTCHINSON

Read and Accepted and the Treasurer is discharged of the above written Sums accordingly.<sup>2</sup> [Passed April 7.

## CHAPTER 198.

### ORDER ACCEPTING REPORT OF COMMITTEE ON THE TREAS<sup>RS</sup> GENERAL ACCO<sup>T</sup> ENDING MAY 1750.

THE COM<sup>TEE</sup> to whom was refer'd the Examination of the Accompts of William Foye Esq<sup>r</sup> Treasurer & Receiver General of His Majestys Revenues within the Prov<sup>e</sup> of the Massachusetts Bay in New England, beginining 31<sup>st</sup> May 1749, & ending 30<sup>th</sup> May 1750, having attended that Service upon examining the same find them right cast & well vonch'd, by which it appears that the said Accomptant chargeth himself with the Sum of Four thousand two hundred & fifty six Pounds two shillings & three pence so much render'd Outstanding of the Taxes, Old Tenor, also with the Sum of One Thon-  
sand eight hundred & ninety three Ponnds thirteen shillings being so much rendered outstanding of the Taxes midle Tenor

Legislative Records of the Council, xix., 443.

*Supra*, chap. 197. *Infra*, chap. 199.

He further chargeth himself with the Sum of One hundred & eight thousand nine hundred & nine Pounds and four pence three farthings rendered Outstanding of the Taxes last Emission, & with the Sum of Seventy eight thousand five hundred & seventy two Pounds seventeen shillings & six pence last Emission for a Tax granted by the General Court December 1748, & with the Sum of

<sup>1</sup> Last Emission.

<sup>2</sup> Not found in the House Journal.

Four thousand five hundred & fifteen Pounds two shillings received of the several Commissioners of Excise, & twenty two Pounds four shillings received for Fines, also with the Sum of One hundred & thirty Pounds eight shillings & nine Pence rec'd of Thomas Hubbard Esqr & Com<sup>tee</sup> in full for the Sale of the Boston Pacquet, & Fifty two Pounds five shillings rec'd of Nicholas Eaton of Salisbury for Lands mortgaged by Joseph Eaton of said Town, & two hundred twenty three Pounds fifteen shillings received back of Sam<sup>l</sup> Watts Esqr & Com<sup>tee</sup> for enlisting Men for the Frontiers, & Fifty Pounds received of Grace Parker in part of what she received to encourage the Manufacture of Stone Ware, & one hundred ninety four Pounds three shillings & 9<sup>d</sup>½ penny, received of John Payne Deputy Regist<sup>r</sup> of the Admiralty so much Lodged in his hands on Acco<sup>t</sup> of Seizures, & Two Thousand five hundred & thirty Pounds fourteen shillings & nine pence ¾ received of the Com<sup>tee</sup> of War for Provisions &c. sold by them, and Fourteen Pounds five shillings rec'd of Daniel Drewry for seventy six Acres of Land at Narraganset Number 2, & thirty Pounds received of John Choat Esqr on Account of what he received as Commissioner for Canada, Also three thousand nine hundred & eighty four Pounds 19/3 received of Daniel Russell Esqr Commissioner of Impost, & three hundred & twelve Pounds three shillings & 7 Pence Tunnage Money rendered outstanding & ten Pounds seventeen shillings Tunnage Money returned since Last Accompt, all which Sums together with the Sum of Eighty one Pounds two shillings, so much being equal to £324.8 Old Tenor Bills, & One hundred & fifty one Pounds five shillings & six pence being equal to £201.14/ middle Tenor Bills in hand to ballance last Accompt, & three thousand nine hundred & forty five Pounds, nineteen shillings & seven pence ½ penny last Emission, Bills in hand to ballance Last Accompt bearing Date 31, May 1749, amount to the Sum of Two hundred & three Thousand seven hundred & thirty one Pounds three shillings & two pence ¾ last Emission

The said Accompt chargeth himself for Gold & Silver in hand per last Accompt Two thousand five hundred & eighty six Pounds two shillings & four pence & two hundred & six Crowns 7 Sols French Coin.

The Com<sup>tee</sup> also find that the said Accompt dischargeth himself by sundry Payments & Disbursments made by Order of the Governour with the Advice of the Council amounting to Forty six thousand nine hundred & forty seven Pounds three shillings & two Pence also by Bills burnt of the several Denominations & redue'd to last Emission is Ten thousand one hundred & seventy eight Pounds six shillings & eight Pence, & by Three thousand & forty six Pounds ten shillings last Emission paid for Gold, & by One hundred & fourteen thousand two hundred & fifty five Pounds eighteen shillings & eight pence, ½ outstanding of the Taxes, & by Two hundred & thirty six Pounds 5/10 outstanding of the Tunnage Money, & by Thirty one Thousand seven hundred & sixty six Pounds 18/10¼ Bills received in by Taxes, Impost Excise &c. in his Hands, All which Sums are two hundred & three thousand seven hundred & thirty one Pounds three shillings & two pence ¾ to ballance the foregoing Charge of Last Emission.

And that he further dischargeth himself by one Thousand seven Hundred & seventy four Pounds & nine pence Outstanding of the Taxes, & One hundred nineteen Pounds 12/3<sup>d</sup> Bills in his Hands to ballance the foregoing Charge of middle Tenor.

And that he further dischargeth himself by three Thousand three hundred & sixteen Pounds five shillings & 7<sup>d</sup> Outstanding of the Taxes, & by Nine hundred & thirty nine Pounds sixteen shillings & eight pence, Bills in hand to ballance the foregoing Charge of Old Tenor.

The Com<sup>tee</sup> are of Opinion that the said William Foye Esq<sup>r</sup> Treasurer be discharged of the Sum of Forty six thousand nine hundred & forty seven Pounds three Shillings & two pence Bills of the Last Emission being for sundry Payments made, & also of Ten thousand one hundred & seventy eight Pounds, 6/8 Bills burnt by a Com<sup>tee</sup> of the General Court, & three hundred & forty six Pounds ten shillings paid for Gold & that the Treasurer be further accountable for the Bills remaining in his hands & for the several Sums yet outstanding as above mentioned & for what may be unpaid on the several Muster Rolls.

The said Accompant further dischargeth himself by Twenty two hundred & fifty Pounds eleven Shillings Gold & Silver paid as per Accompt, and by three hundred & thirty five Pounds eleven shillings & four pence so much Gold & Silver in hand for which he is further accountable to ballance the foregoing Charge of Gold & Silver & also for 206 Crowns 7 Sols French Coin.

In the Name & by Order of the Com<sup>tee</sup> T. HUBBARD

Read &

*Ordered* that this Report be accepted, & thereupon

*Ordered* that the Treasurer lay before this Court an Account of the several Persons born on the several Muster Rolls to whom Payment has not been made & that he make himself Debtor for the Same, & that in his future Accompts he make Charge of Actual Payments only, & that he be discharged of the above written Sums.<sup>1</sup> [Passed April 7.

## CHAPTER 199.

### ORDER ACCEPTING REPORT OF COMMITTEE ON THE TREAS<sup>RS</sup> GENERAL ACCOT FOR MAY 1751.

THE COM<sup>TEE</sup> to whom was refer'd the Examination of the Accompts of William Foye Esq<sup>r</sup> Treasurer & Receiver General of his Majesties Revenues within the Province of the Massachusetts Bay, in New England beginning 31 May 1750, & ending 30<sup>th</sup> May 1751, having attended that Service upon Examining the Same find them right cast & well vouch'd by which it appears that the said Accompant chargeth himself with the Sum of £3,316.5.7 so much rendered outstanding of the Taxes Old Tenor, & £1,774.0.9 outstanding of the Taxes middle Tennor & with the Sum of £114,255.18.8½ rendered Outstanding of the Taxes last Emission, also with the Sum of £5,511.3.4 received of the Commissioners of Excise, & with the Sum of £202.18.9 received for Fines, & one thous<sup>d</sup> nine hundred & fifty Pounds five shillings & 11 pence, received of Daniel Russell Esq<sup>r</sup> Commissioner of Impost & £2,940 received of the Com<sup>tee</sup> for signing Bills of the Last Emision & £299.10.7 received of Samuel Miller Esq<sup>r</sup> for Lands sold at Hoosuck & with £799.0.2 Province Bills so much unpaid on the several Muster Rolls & £236.5.10 Turnage Money Out-

Legislative  
Records of the  
Council, xix.,  
445. Mass.  
Archives,  
cxxiv., 341, 342.  
Mass.  
Archives,  
cxxiv., 322–342.  
*Supra*, chap.  
198.

<sup>1</sup> Not found in the House Journal.

standing per Last Accompt, & £1.18.6 Tunnage Money since rec'd all which Sums together with the Sum of Two hundred thirty four Pounds 19/2<sup>d</sup> equal to £939.16.8 Old Tenor, Bills in hand to ballance Last Accompt, & eighty nine Pounds fourteen shillings & two pence farthing equal to £119.12.3 middle Tenor, Bills in his hands, & thirty one Thousand seven hundred sixty six Pounds eighteen shillgs & ten pence half penny Last Emission Bills to ballance Last Accompt bearing Date 30<sup>th</sup> May 1750, amount to the Sum of One hundred fifty eight Thousand two hundred & ninety four Pounds fourteen shillings 1/4 last Emission. The said Accomptant chargeth himself for Gold & Silver in hand per Last Accompt, £335.11.4 & 206 Crowns 7 Sols French Coin.

The said Accomptant dischargeth himself by sundry Payments by Order of His Honour the Lieutenant Governour with the Advice of the Council £99.6.7, Bills burnt by a Com<sup>tee</sup> of the General Court, Fifty thousand five hundred ninety eight Pounds 6/8 By paid Simeon Hoxie for Bills burnt in his House £70.5/ & Tunnage Money refunded John Ruddock £7.10 & by One hundred sixty two Pounds 3/4 yet outstanding in Tunnage Money & Thirty five Thousand & eighty Pounds 14/9<sup>3/4</sup> last Emission, Outstanding in Taxes, & by seventy two thousand Two hundred seventy six Pounds seven shillings & seven pence half penny Bills received in by Taxes, Excise Impost, &c. in his hands amount to the Sum of £158,294. 14.0<sup>1/4</sup> to ballance the foregoing Charge of Last Emission.

He further dischargeth himself by £1,744.18.3 Outstanding of the Taxes & by £29.2.6 Bills in hand to ballance the foregoing Charge of middle Tenor, also he dischargeth himself by £2,952<sup>1</sup> Outstanding in Taxes, and by £364.2/ Bills in hand to ballance the foregoing Charge of Old Tenor.

The Com<sup>tee</sup> are of Opinion that the said William Foye Esq<sup>r</sup> Treas<sup>r</sup> be discharged of the Payments &c above mentioned & be further accountable for the Bills in hand & the Taxes yet Outstanding & also for £335.11.4 Gold & Silver in hand & for 206 Crowns 7 Sols French Coin.

The said Accomptant chargeth himself with Nine thousand Pounds, lawfull Money borrowed of sundry Persons p<sup>r</sup> Order of the General Court, and dischargeth himself of said Sum by sundry Payments, made p<sup>r</sup> Order of his Honour the Lieut<sup>r</sup> Governour with the Advice of the Council, amounting to eight Thousand, eight hundred & seventy nine Pounds nineteen shillings & nine pence farthing, & by One hundred & twenty Pounds & two pence 3 farthings, Ballance remaining in his hands for which he is further Accountable.

T. HUBBARD by Order of the Committee

Read and

*Ordered* that this Report be accepted and the Treasurer is discharged of the above written Sums accordingly.<sup>2</sup> [Passed April 7.

<sup>1</sup> The Mass. Archives reads £2,952.3.7.

<sup>2</sup> Not found in the House Journal.

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RESOLVES, ORDERS, VOTES,  
ETC.

PASSED 1752-53.



# LEGISLATIVE LIST<sup>1</sup>

FOR

1752-53.

THE HONORABLE SPENCER PHIPS, Esq., LIEUT. GOVERNOR,  
CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC.

JOSIAH WILLARD, Esq.,  
SECRETARY OF THE PROVINCE.

## COUNCILLORS OR ASSISTANTS.

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of the Massachusetts Bay;*

JOHN OSBORNE	ESQRS.	JOHN GREENLEAF	ESQRS.
EZEKIEL LEWIS		SAMUEL WATTS	
FRANCIS FOXCROFT		JOHN QUINCY	
JOSIAH WILLARD		JOHN CHANDLER	
JACOB WENDELL		EZEKIEL CHEVER	
JOSEPH WILDER		ANDREW OLIVER	
BENJAMIN LYNDE		JOSEPH PYNCHON	
DANIEL RUSSELL		THOMAS HUTCHINSON	
SAMUEL DANFORTH		STEPHEN SEWALL	

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of New Plymouth;*

JOHN CUSHING	{	SYLVANUS BOURN	{
GEORGE LEONARD		JOHN OTIS	

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Province of Main;*

SIR WILLIAM PEPPERELL, BARONET, JOHN HILL & JABEZ FOX, ESQRS.

*Of the Inhabitants of or Proprietors of Lands within the Territory lying between the River of Sagadahock & Nova Scotia;*

JOHN WHEELWRIGHT, Esq.

<sup>1</sup> See Legislative Records of the Council, xix., 448-451.

*For the Province, at large:—*

JAMES MINOT & ISAAC ROYAL, ESQRS.

REPRESENTATIVES OR DEPUTIES.

May 27, 1752 to April 13, 1753.

MR. THOMAS HUBBARD, SPEAKER.

COUNTY OF SUFFOLK.

Boston, . . .	James Allen, Esq.,
	Thomas Hubbard, Esq.,
	Mr. John Tyng,
	Mr. Harrison Gray.
Roxbury, . . .	Mr. Joseph Williams.
Dorchester, . . .	Mr. Thomas Trott.
Milton, . . .	Samuel Miller, Esq.
Braintree, . . .	Mr. John Ruggles.
Hingham, . . .	Mr. Jacob Cushing.
Deadham, . . .	Joseph Richards, Esq.
Medfield, . . .	Mr. Ephraim Cheney.
Wrentham, . . .	Mr. John Goldsbury.
Needham, . . .	Mr. William Bowdoin.

COUNTY OF ESSEX.

Ipswich, . . .	Francis Cogswell, Esq.
Newbury, . . .	Mr. Richard Kent.
Andover, . . .	Capt. Joseph Fry.
Beverly, . . .	Capt. Joseph Herrick.
Lyn, . . .	Capt. Benjamin Newhall.
Rowley, . . .	Mr. Thomas Lancaster.
Salisbury, . . .	Mr. Abraham Morrell.
Haverhill, . . .	Nathaniel Peaslee, Esq.
Glocester, . . .	Capt. James Davis.
Amesbury, . . .	Mr. Isaac Merrell.
Bradford, . . .	Capt. Benjamin Millakim.

COUNTY OF MIDDLESEX.

Cambridge, . . .	Edmund Trowbridge,
	Henry Vassall, Esq.
Charlestown, . . .	Isaac Royal, Esq.
Watertown, . . .	Mr. John Hunt.
Concord, . . .	Chambers Russell, Esq.
Woburn, . . .	Mr. Edward Walker.
Reading, . . .	Capt. Ebenezer Nichols.
Newton, . . .	Henry Gibbs, Esq.
Sudbury, . . .	Ephraim Curtis, Esq.
Marlborough, . . .	Mr. Samuel Witt.
Groton, . . .	William Lawrence, Esq.

COUNTY OF MIDDLESEX—Concluded.

Billerica, . . .	Capt. Ephraim Kidder.
Framingham, . . .	Joseph Buckminster, Esq.
Lexington, . . .	Capt. Benjamin Read.
Clemsford, . . .	Mr. Ephraim <sup>1</sup> Spaulding.
Sherburne, . . .	Isaac Coolidge, Esq.
Malden, . . .	Bernard Townsend, Esq.
Weston, . . .	Mr. Elisha Jones.
Waltham, . . .	Capt. Samuel Livermore.
Westford, . . .	Thomas Reed, Esq.
Stow, . . .	Mr. Abraham Witney.

COUNTY OF HAMPSHIRE.

Springfield, . . .	John Worthington, Esq.
Northampton, . . .	Mr. Gideon Lyman.
Hadley, . . .	Eleazer Porter, Esq.
Deerfield, . . .	Elijah Williams, Esq.
Sheffield, . . .	Capt. John Ashley.
Stockbridge, . . .	Mr. Timothy Woodbridge.

COUNTY OF WORCESTER.

Worcester, . . .	John Chandler, Jr., Esq.
Laneaster, . . .	Joseph Wilder, Jr., Esq.
Leicester, . . .	Thomas Steel, Esq.
Rutland, . . .	Mr. John Murray.
Lunenburg, . . .	Mr. William Down.
Shrewsbury, . . .	Mr. Phineas Haywood.
Oxford, . . .	Mr. Duncan Campbell.
Harcourt, . . .	Mr. Daniel Peirce.
Westborough, . . .	Edward Baker, Esq.
Mendon, . . .	Capt. Nathaniel Tyler.
Sutton, . . .	Mr. Benjamin Woodbury.
Southborough, . . .	Capt. Timothy Brigham.
Bolton, . . .	Mr. John Wetcomb.
Sturbridge, . . .	Mr. Moses Marey.

COUNTY OF PLIMOUTH.

Plymouth, . . .	Mr. Edward Winslow.
Seituate, . . .	Mr. Ensign Otis.
Duxbury, . . .	Gamaliel Bradford, Esq.

<sup>1</sup> *Sic*, for Ephraim.

COUNTY OF PLIMOUTH — *Concluded.*

*Marshfield*, . . John Winslow, Esq.  
*Bridgewater*, . . Capt. Josiah Edson.  
*Pembroke*, . . Mr. Israel Turner.  
*Rochester*, . . Mr. Elisha Barrow.  
*Hanover*, . . David Stockbridge, Esq.

## COUNTY OF BARNSTABLE.

*Barnstable*, . . James Otis, Esq.  
*Sandwich*, . . Mr. Timothy Ruggles.  
*Yarmouth*, . . Mr. Joseph Hall.  
*Eastham*, . . Mr. John Freeman.

## COUNTY OF BRISTOL.

*Taunton*, . . Samuel White, Esq.  
*Rehoboth*, . . Mr. Israel Nicholas.  
*Dartmouth*, . . Capt. Nathaniel Sole.

COUNTY OF BRISTOL — *Concluded.*

*Norton*, . . . Ephraim Leonard, Esq.  
*Dighton*, . . . Ezra Richmond, Esq.  
*Attleborough*, . . Mr. Benjamin Day.  
*Swanzey*, . . . Mr. William Slade.

## COUNTY OF YORK.

*York*, . . . Joseph Plaisted, Esq.  
*Kittery*, . . . Richard Cutt, Jr., Esq.  
*Wells*, . . . Mr. Nathaniel Wells.  
*Falmouth*, . . . Jabez Fox, Esq.  
*Scarborrough*, . . Mr. Edward Millakim.  
*Berwick*, . . . Mr. William Gerrish.

## IN THE COUNTY OF NANTUCKET.

*Sherburne*, . . Mr. Abishai Folger.



# RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-SEVENTH DAY OF MAY, A.D. 1752.

## CHAPTER 1.

### ORDER CONFIRMING A PLAT OF 200 ACRES OF LAND TO ESTHER STONE.

A PLAT of Two Hundred Acres of Land laid out by Jonathan Livermore Survey<sup>r</sup> & two Chain Men upon Oath to fulfill a Grant made in the Year 1750, unto Esther Stone, in the room of Two hundred Acres formerly laid out to her late Husband which happens to fall within the Bounds of Leominster, begining at a Heap of Stones on Leominster Line, thence running Northerly on said Line One hundred Eighty Rods to a Stake & Stones supposed to be the South Corner of a Tract of Land call'd Flaggs Farm, thence running Westerly by said Farm Two hundred Rods to a Chlesnut Tree, Then South 27. Degrees West One Hundred & sixty eight Rods to a Heap of Stones, & thence to the Place where it began.

Legislative Records of the Council, xix., 453. Mass. Archives, xvi., 270.  
Mass. Archives, xvi., 269.  
House Journal, p. 10.  
*Ante*, p. 461, chap. 130.

Read and

*Ordered* that the within Plan be accepted and the land herein delineated and described be and hereby is Confirmed to the within named Esther Stone Her Heirs and Assigns forever. Provided the same does not exceed two hundred Aeres, and does not interfere with any former Grant. [Passed May 30.

## CHAPTER 2.

### ORDER CONFIRMING A PLAT OF 300 ACRES OF LAND TO M<sup>R</sup> BENJA<sup>A</sup> RUGGLES.

A PLAT of Three hundred Acres of Land laid out by Abner Lee Surveyor & Chain Men on Oath to fulfill a Grant made in January last to M<sup>r</sup> Benjamin Ruggles of Middleborough lying on the West Side of Paquig Township, begining at a White Pine Tree four Rodds from a small Brook, thence running North 45 Deg. East, One Hundred & two Rods to a Beach Tree & Stones, Thence East, Two Thousand & ninety eight Rods, to a Stake & Stones on the West side of Paquoig, thence South with the said Line One hundred & forty eight Rods to a Hemloek & Stones, thence West Four hundred & forty six Rods, to a small beach Tree & Stones, thence North 45 Deg. East One hundred & eighty Rods to the Corner first mentioned

Legislative Records of the Council, xix., 453. Mass. Archives, xvi., 272½.  
Mass. Archives, xvi., 272½.  
House Journal, pp. 10, 11.  
*Ante*, p. 577, chap. 99.

Read and

*Ordered* that the within Plan be Accepted, and the land herein

delineated and described, be and hereby is Confirmed to the within named Benjamin Ruggles His Heirs and Assigns for ever. Provided He duly Performs the Conditions of the Grant, and the Quantity of Land does not Exceed three hundred Acres, and does not interfere with any former Grant. [Passed May 30.]

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## CHAPTER 3.

Legislative  
Records of the  
Council, xix.,  
454. Mass.  
Archives,  
xlix., 346.  
  
House Jour-  
nal, p. 11.  
*Infra*, chap. 4.

### VOTE ALLOWING £40 TO MR SECRETARY WILLARD.

*Voted* that the Sum of forty pounds be allowed out of the Treasury to Mr Secretary Willard to Enable him to pay an Assistant in His Office for one Year ending the 12<sup>th</sup> of June next. [Passed June 2.]

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Legislative  
Records of the  
Council, xix.,  
454. Mass.  
Archives,  
xlix., 345.  
  
House Jour-  
nal, p. 11.  
*Supra*, chap. 3.

## CHAPTER 4.

### VOTE AUTHORIZING A CLERK FOR THE SECRETARY.

*Voted* that it is expedient that the Secretary procure a Clerk to Assist him in His Office; And that He be directed to procure one accordingly. [Passed June 2.]

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## CHAPTER 5.

### VOTE IMPOWERING PHILIP GODFRID KAST, GUARDIAN, TO JOIN IN SALE OF REAL ESTATE AND EXECUTE DEEDS THEREFOR.

Legislative  
Records of the  
Council, xix.,  
455. Mass.  
Archives,  
xviii., 857.

Mass.  
Archives,  
xviii., 856.  
House Jour-  
nal, pp. 11, 14.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Philip Godfrid Kast, shewing that his Son Thomas Kast in Right of his Mother dec<sup>d</sup>, together with Jonathan Cary & Elisabeth his Wife, & Rachel Roby, as they be the legal Descendants of their Grand mother Elisabeth Procter dec<sup>d</sup> are justly intitled to two seventh parts of a Wooden Messuage & Land in Fish Street in Boston, which House stands in need of Repair, & therefore praying that the Petitioner as Guardian to his Son (a Minor) may be impowered by this Court to join with the other Heirs in selling said House & Land,

Read and

*Voted* that the Prayer of this Pet<sup>n</sup> be granted and that the Pet<sup>r</sup> in his Capacity be and He hereby is Authorized to Joyn with the other Relatives and Coheirs in the Sale of the within mentioned Premises for the most that may be and to Execute a good and sufficient Deed or Deeds of Conveyance of the same, They giving publick Notice thereof (previous to the Sale) in time and manner as prescribed in the Law of this Province in such Cases. They first giving sufficient Caution to the Judge of Probate for the County of Suffolk, that the proceeds of such Sale shall be duly applied and put out at Interest for the benefit of the within named Thomas Cast<sup>1</sup> the Minor: And that both Principal and Interest be delivered him (necessary Charges being first deducted) When He

<sup>1</sup> *Sic.*

shall arrive at Lawful Age, the said Guardian to be accountable to the Judge of Probate for the time being of the County aforesaid for his Proceedings in the Premisses. [Passed June 2.]

## CHAPTER 6.

### ORDER IMPOWERING SARAH BRADFORD, GUARDIAN, TO SELL REAL ESTATE AND EXECUTE DEEDS THEREFOR.

A PETITION of Sarah Bradford Widow of Nathaniel Bradford late of Plymouth Dec<sup>d</sup> Intestate & Guardian of his Children, shewing that the said Nathaniel died seized as Tenant in Common with William Bradford of Kingston, & Lydia Wife of Lazarus Le Baron of Plymtonb, of Lands & Tenements lying in Kingston aforesaid that the Buildings are much out of Repair, & upon divers Aecounts, it will be most for the Advantage of the Minors aforesaid that their Parts should be sold, therefore praying that she may be impowered to sell her late Husbands Interest in the said Estate accordingly

Read and

*Ordered* that the Prayer of this Petn be so far granted as that the within named Sarah in her Capacity as within mentioned be and She hereby is Impowered to make Sale of the said Nathaniel's part of the Premisses mentioind and to Execute a good Deed or Deeds thereof, She observing the Directions of the Law in such Cases; and first giving sufficient Caution to the Judge of Probate for the County of Plym<sup>th</sup> that the Proceeds arising by said Sale, two thirds thereof to be placed at Interest for the benefit of said Minors, and the Interest of the other third to be for the Use and Benefit of the said Sarah during her Natural Life, and after her Decease, the principal to revert to the said Minors, and be divided Among them according to Law. The said Adm<sup>x</sup> and Guardian to be accountable to the Judge of Probate for the time being of the County aforesaid, for her proceedings in the Premisses. [Passed June 3.]

Legislative Records of the Council, xix., 457. Mass. Archives, xviii., 865.  
Mass. Archives, xviii., 863. House Journal, pp. 14, 18. Province Laws, ii., 151, chap. 10.

## CHAPTER 7.

### ORDER FOR REPAIR OF BRIDGE OVER NEPONSET RIVER.

ON THE REMONSTRANCE of the Town of Dorchester Read &

*Ordered* that this Petition [*ante*, p. 593, chap. 140] & the Answer thereto be revived; And the Matter being fully considered

Legislative Records of the Council, xix., 459. Mass. Archives, xxii., 280.

*Resolved* the Bridge over Neponset River refer'd to in the Petition is & ought to be accounted a County Bridge; And the Justices of the County of Suffolk are hereby ordered to take effectual Care that the said Bridge be forthwith put into good Repair accordingly. [Passed June 3.]<sup>1</sup>

Mass. Archives, cxxi., 277. House Journal, p. 18. *Ante*, p. 593, chap. 140.

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is June 4.

## CHAPTER 8.

## VOTE AUTHORIZING A TOWN MEETING TO BE CALLED AT FREETOWN.

Legislative  
Records of the  
Council, xix.,  
457.

Mass.  
Archives,  
cxyi., 200, 201.  
House Jour-  
nal, pp. 15, 18.

A PETITION of Ebenezer Hathway & divers other Inhabitants of the Town of Freetown shewing that by Reason of Disputes & Controversies between the Inhabitants of said Town at their Anniversary Meeting in March last, The Meeting broke up before they had chosen their Officers for managing the Affairs of said Town, & therefore praying that they may be impowered to call another Meeting & therein to transact those Affairs that are necessary for the said Town to do, In the House of Represent<sup>ves</sup>

Read &

*Voted* that the Select Men of the Town of Freetown for the Year 1751, be & hereby are impowered to issue their Warrant directed to the Constable of the said Town for the Year 1751, to call a Town Meeting as soon as may be to make Choice of the several Town Officers for the Year Current which should have been chosen in the Month of March last "A" and the said Town Officers when chosen shall be as much obliged to all Intents & Purposes to serve in the said Offices to which they shall be respectively chosen as tho' they had been chosen in the Month of March last In Council Read & Concurred with the Amendm<sup>t</sup> at "A" vizt: and the said Constable is hereby impowered & required to notify the Inhabitants accordingly.

[Passed June 4.<sup>1</sup>

## CHAPTER 9.

Legislative  
Records of the  
Council, xix.,  
459.

VOTE APPOINTING A COM<sup>TEE</sup> FOR FARM<sup>G</sup> OUT THE EXCISE IN SUFFOLK COUNTY.

House Jour-  
nal, p. 24.  
Province  
Laws, iii., 663,  
note.

In the House of Represent<sup>ves</sup>

*Voted* that M<sup>r</sup> Speaker & M<sup>r</sup> Allen, with such as the Hon<sup>ble</sup> Board shall join be a Com<sup>tee</sup> to farm out the Excise for the County of Suffolk. In Council Read & Concurred & Jacob Wendell Esq<sup>r</sup> is joined in the Affair. [Passed June 4.

## CHAPTER 10.

Legislative  
Records of the  
Council, xix.,  
459. Mass.  
Archives,  
cxix., 557<sup>o</sup>.

House Jour-  
nal, p. 24.  
Province  
Laws, iii., 663,  
note.

VOTE APPOINTING A COM<sup>TEE</sup> FOR FARM<sup>G</sup> OUT THE EXCISE IN ESSEX COUNTY.

In the House of Rep<sup>ves</sup>

*Voted* that Capt<sup>d</sup> Davis and Capt<sup>d</sup> Newhall with such as the Hon<sup>ble</sup> Board shall Joyn be a Comm<sup>ee</sup> to Farm out the Excise for the County of Essex

In Councill Read and Concurred & Benja Lynd Esqr is joyned in y<sup>e</sup> Affair. [Passed June 4.

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council and the House Journal the date is June 3.

## CHAPTER 11.

VOTE APPOINTING A COM<sup>TEE</sup> FOR FARM<sup>G</sup> OUT THE EXCISE IN MIDDLE- SEX COUNTY.

Legislative Records of the Council, xix., 459.

In the House of Represent<sup>ves</sup>

House Journal, p. 24.  
Province Laws, iii., 663,  
note.

*Voted* that Major Lawrence & Mr Trowbridge with such as the Hon<sup>ble</sup> Board shall appoint be a Com<sup>tee</sup> to farm out the Excise for the County of Middlesex In Council Read & Concur'd & Ezekiel Chever Esq<sup>r</sup> is joined in the Affair. [Passed June 4.

## CHAPTER 12.

VOTE APPOINTING A COM<sup>TEE</sup> FOR FARM<sup>G</sup> OUT THE EXCISE IN HAMP- SHIRE COUNTY.

Legislative Records of the Council, xix., 459.

In the House of Represent<sup>ves</sup>

House Journal, p. 24.  
Province Laws, iii., 663,  
note.

*Voted* that Col<sup>o</sup> Porter & Major Worthington with such as the Hon<sup>ble</sup> Board shall join be a Com<sup>tee</sup> to farm out the Excise for the County of Hampshire In Council Read & Concur'd & Oliver Partridge Esq<sup>r</sup> is joined in the Affair. [Passed June 4.

## CHAPTER 13.

VOTE APPOINTING A COM<sup>TEE</sup> FOR FARM<sup>G</sup> OUT THE EXCISE IN WORCES- TER COUNTY.

Legislative Records of the Council, xix., 459. Mass. Archives, cxix., 557.

In the House of Rep<sup>ves</sup>

House Journal, p. 24.  
Province Laws, iii., 663,  
note.

*Voted* that Cap<sup>t</sup> Wilder and Mr Steel with such as the Hon<sup>ble</sup> Board shall Joyn be a Comm<sup>tee</sup> to Farm out the Excise for the County of Worcester

In Councill Read and Concurred & John Chandler Esq<sup>r</sup> is Joyned in the affair. [Passed June 4.

## CHAPTER 14.

VOTE APPOINTING A COM<sup>TEE</sup> FOR FARM<sup>G</sup> OUT THE EXCISE IN PLYM- OUTH COUNTY.

Legislative Records of the Council, xix., 459. Mass. Archives, cxix., 557.

In the House of Rep<sup>ves</sup>

House Journal, p. 24.  
Province Laws, iii., 663,  
note.

*Voted* that Col<sup>o</sup> Bradford & Mr Winslow with such as the hon<sup>ble</sup> Board shall joyn be a Committee to farm out the Excise for the County of Plimouth.

In Council Read & Concur'd & John Cushing Esq<sup>r</sup> is joined in the Affair. [Passed June 4.

## CHAPTER 15.

Legislative  
Records of the  
Council, xix.,  
459.

House Jour-  
nal, p. 24.  
Province  
Laws, iii., 663,  
note.

VOTE APPOINTING A COMTEE FOR FARM<sup>G</sup> OUT THE EXCISE IN BARN-  
STABLE COUNTY.

In the House of Represent<sup>ves</sup>

*Voted* that Col<sup>o</sup> Otis & M<sup>r</sup> Freeman with such as the Hon<sup>ble</sup> Board  
shall join be a Com<sup>tee</sup> to farm out the Excise for the County of Barn-  
stable. In Councill Read & Coneur'd & John Otis Esq<sup>r</sup> is joined  
in the Affair. [Passed June 4.]

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## CHAPTER 16.

Legislative  
Records of the  
Council, xix.,  
459.

House Jour-  
nal, p. 24.  
Province  
Laws, iii., 663,  
note.

VOTE APPOINTING A COMTEE FOR FARM<sup>G</sup> OUT THE EXCISE IN BRISTOL  
COUNTY.

In the House of Represent<sup>ves</sup>

*Voted* that Col<sup>o</sup> Leonard & Capt White with such as the Hon<sup>ble</sup> Board  
shall join be a Com<sup>tee</sup> to farm out the Excise for the County  
of Bristol. In Councill Read & Coneur'd & George Leonard  
Esq<sup>r</sup> is joined in the Affair. [Passed June 4.]

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## CHAPTER 17.

Legislative  
Records of the  
Council, xix.,  
459.

House Jour-  
nal, p. 24.  
Province  
Laws, iii., 663,  
note.

VOTE APPOINTING A COMTEE FOR FARM<sup>G</sup> OUT THE EXCISE IN YORK  
COUNTY.

In the House of Represent<sup>ves</sup>

*Voted* that Major Cut & Capt Plaisted with such as the Hon<sup>ble</sup> Board  
shall join be a Com<sup>tee</sup> to farm out the Excise in the County  
of York. In Councill Read & Coneur'd & John Hill Esq<sup>r</sup> is  
joined in the Affair. [Passed June 4.]

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## CHAPTER 18.

VOTE APPOINTING A COMTEE FOR FARM<sup>G</sup> OUT THE EXCISE IN DUKES  
COUNTY.

Legislative  
Records of the  
Council, xix.,  
459. Mass.  
Archives,  
cxix., 557.

House Jour-  
nal, p. 24.  
Province  
Laws, iii., 663,  
note.

In the House of Rep<sup>ues</sup>

*Voted* that Col<sup>o</sup> Mayhew and Cap<sup>t</sup> Norton with such as the Hon<sup>ble</sup> Board  
shall Joyn be a Comm<sup>ee</sup> to Farm out the Excise for the County  
of Dukes County

In Councill

Read & Coneurrd & Payne Mayhew Esq<sup>r</sup> is Joyned in y<sup>e</sup> Affair.  
[Passed June 4.]

## CHAPTER 19.

VOTE APPOINTING A COM<sup>TEE</sup> FOR FARM<sup>G</sup> OUT THE EXCISE IN NAN-

TUCKET COUNTY.

Legislative  
Records of the  
Council, xix.,  
459.

In the House of Represent<sup>ves</sup>

*Voted* that M<sup>r</sup> Folger, & M<sup>r</sup> Richard Coffin with such as the Hon<sup>ble</sup> Board shall join be a Com<sup>tee</sup> to farm out the Excise for the County of Nantucket. In Council Read & Concurred & Josiah Coffin Esq<sup>r</sup> is joined in the Affair. [Passed June 4.

House Jour-  
nal, p. 24.  
Province  
Laws, iii., 663,  
note.

## CHAPTER 20.

RESOLVE FOR CALLING A MEETING IN THE ELBOWS DISTRICT.

WHEREAS by an act made and passed at the Sessions of this Court in January last the Plantation Called the Elbows in the County of Hampshire was Erected into a Separate District<sup>1</sup> and invested with all the Privileges that by Law Towns in this Province Enjoy that of Sending a Representative to this Court only Excepted but no provision being made in Said Act for the Calling of the first meeting of the Inhabitants of Said new District Therefore

Legislative  
Records of the  
Council, xix.,  
461. Mass.  
Archives,  
cxvi., 212.

Province  
Laws, ii., 30,  
chap. 22; iii.,  
599, chap. 15.

*Resolved* that John Sherman Esq<sup>r</sup> upon application to him made for that purpose by five or more of the Inhabitants of said District in Writing under their hands be & hereby is Enabled to issue his Warrant to Some one of them requiring him to Warn and Give notice to Said Inhabitants that they meet and assemble together at Such Time and place and for Such purposes as shall be mentioned in Such application and said Inhabitants So assembled Shall have full power to Act and Vote as Effectually as Towns in ordinary Cases at their meetings ordered by their Select-men According to the Directions of the Law are impowered to do.<sup>2</sup> [Passed June 4.

## CHAPTER 21.

ORDER ALLOWING £1. 18. 4 TO BENJAMIN BIGGLO.

A PETITION of Benjamin Bigglo of Brooklyn praying to be allowed for the Loss of Bills of Credit of this Province, accidentally Burnt by endeavouring to get out any Infection that might be in them, by holding them at the Fire

Legislative  
Records of the  
Council, xix.,  
461. Mass.  
Archives,  
lxxxvii., 298.

Read and

*Ordered* that the Pet<sup>r</sup> be allowed out of the Treasury One pound eighteen Shillings and four pence in Lieu of the Loss of Bills of Credit with in mentioned. [Passed June 4.

Mass.  
Archives,  
lxxxvii., 297.  
House Jour-  
nal, p. 18.

<sup>1</sup> The new district was called "Palmer." See Province Laws, iii., 599, chap. 15.

<sup>2</sup> Not found in the House Journal.

## CHAPTER 22.

ORDER IMPOWERING SAM<sup>L</sup> ADAMS, GUARDIAN, TO SELL REAL ESTATE.

Legislative  
Records of the  
Council, xix.,  
461. Mass.  
Archives,  
xviii., 860.

House Jour-  
nal, pp. 13, 23.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Samuel Adams Guardian of Nathaniel Brown a Minor, only Child of Nathaniel Brown late of Ipswich dec'd Intestate, shewing that the Real Estate of the said Minor consists of about 15 Rods of Land, an old dwelling House & dye Ship,<sup>1</sup> with half a fulling Mill & Stream, All the Buildings so decayed as that the Rent is not Sufficient to repair them, & therefore praying for Liberty to sell them that so the Minor may be Supported & Educated.

Read and

*Ordered* that the prayer thereof be Granted and that the s<sup>d</sup> sam<sup>l</sup> adams in his said Capacity be and hereby is impowered to make sale of the premisses in S<sup>d</sup> Petition mentioned and to make and Execute a good and sufficient Deed or Deeds of the same he observing the Directions of the Law made in the sixth year of the Reign of King George the first Respecting the sale of Real Estates and Giveing sufficient Caution to the Judge of Probate for the County of Essex that the Produce arising by said sale that two thirds thereof be placed at intrest for the use and Benefit of s<sup>d</sup> Minor and the intrest of the other third be for the use and Benefit of the present wife of the Petitioner During her Natural Life and after her Decease the Principal to Revert to the S<sup>d</sup> Minor and the s<sup>d</sup> sam<sup>l</sup> Guardian as afores<sup>d</sup> to be accountable to the Judge of Probate for s<sup>d</sup> County for the time being of his proceeding in the premisses. [Passed June 4.

## CHAPTER 23.

ORDER ALLOWING THE ACCOUNT OF THE TRUSTEES OF THE PUNCA-  
PAUG INDIANS.

Legislative  
Records of the  
Council, xix.,  
462.

Legislative  
Records of the  
Council, xviii.,  
43. House  
Journal, pp. 18,  
23.

AN ACCOMPT presented by Samuel Miller & John Sheppard Esq<sup>s</sup> Trustees for the Puncapaug Indians, of Receipts & Payments & Disbursements for the said Indians from August 1746 to August 1751, Ballance due to the Trustees being £64.16.5 $\frac{3}{4}$

*Ordered* that the Accompt of the Trustees within mentioned be allowed. & it appears that the Ballance thereof being Sixty four Pounds, sixteen shillings, & five Pence three farthings is due to the Trustees. [Passed June 4.

## CHAPTER 24.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF MIDDLESEX  
COUNTY.

Legislative  
Records of the  
Council, xix.,  
462. Mass.  
Archives,  
cclviii., 46.

Mass.  
Archives,  
cclviii., 46.

AN ACCOMPT of Daniel Russell Esq<sup>r</sup> Treasurer of the County of Middlesex for the last Year, having been by him laid before the Court of General Sessions of the Peace for the said County & by them allowed.

Read and

*Ordered* that the within account be allowed And that the Ball<sup>a</sup>

<sup>1</sup> This word is intended for "Shop." — Mass. Archives, xviii., 861.

thereof being Sixteen pounds twelve Shillings and Seven pence half penny The said Treasurer is further Accountable to said County for. [Passed June 4.]

House Journal, pp. 9, 21.

## CHAPTER 25.

### ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF WORCESTER COUNTY.

AN ACCOMPT presented by Daniel Haywood Treasurer of the County of Worcester for the last Year, having been laid before the Court of General Sessions of the Peace for the said County & by them allowed.

Legislative Records of the Council, xix., 462.

House Journal, pp. 9, 21.

Read &

*Ordered* that the within Accompt be allowed, & that the ballance thereof being Fourteen Pounds six shillings & six pence the said Treasurer is further accountable to said County for;

*Ordered* also that the Sum of Three Pounds fourteen shillings & two pence, part of the Tax laid on the Town of Woodstock in the Year 1748. and the Sum of Eighteen Pounds five shillings & two pence set on said Town in 1749. & the Sum set on said Town in 1750. & the Sum of Thirteen Pounds six shillings & five Pence set on said Town in 1751. The said Treasurer is further to account for, as he shall receive the Same. [Passed June 4.]

## CHAPTER 26.

### ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF PLYMOUTH COUNTY.

AN ACCOMPT presented by Edward Winslow Esq<sup>r</sup> Treasurer of the County of Plymouth for the last Year, having been laid before the Court of General Sessions of the Peace for the said County & by them allowed.

Legislative Records of the Council, xix., 463. Mass. Archives, cexlviii., 45.

Read and

*Ordered* that the within Acc<sup>t</sup> be allowed and that the Ball<sup>a</sup> thereof being One hundred thirty two pounds fifteen shillings and Nine pence The said Treasurer is further accountable to said County for.

Mass. Archives, cexlviii., 45. House Journal, pp. 9, 21.

[Passed June 4.]

## CHAPTER 27.

### ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF BARNSTABLE COUNTY.

AN ACCOMPT presented by Jonathan Bacon Treasurer of the County of Barnstable for the last Year, having been laid before the Court of General Sessions of the Peace for the said County & by them allowed.

Legislative Records of the Council, xix., 463.

Read &

*Ordered* that the within Accompt be allow'd & that the Ballance thereof being Nineteen Pounds four shillings & one penny  $\frac{3}{4}$ , said Treasurer is further accountable to said County for. [Passed June 4.]

House Journal, pp. 9, 21.

## CHAPTER 28.

## ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF YORK COUNTY.

Legislative Records of the Council, xix., 463.

House Journal, pp. 9, 21.

AN ACCOMPT presented by Jeremiah Moulton Esq<sup>r</sup> Treasurer of the County of York for the last Year, having been laid before the Court of General Sessions of the Peace for the said County & by them allow'd,

Read &

*Ordered* that the within Accompt be allowed, & the Ballance thereof being Forty seven Pounds fifteen shillings & eleven pence the said County is further Accountable to the said Treasurer for. [Passed June 4.]

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## CHAPTER 29.

## ORDER IMPOWERING THOS BURT, GUARDIAN, TO SELL REAL ESTATE.

Legislative Records of the Council, xix., 463. Mass. Archives, xviii., 859.

Mass. Archives, xviii., 858. House Journal, pp. 17, 22. Province Laws, ii., 151, chap. 10.

A PETITION of Thomas Burt Guardian to Mary Allen of Northampton (a Person Non Compos,) shewing that she has a small real Estate of the Value of £100, that the Income thereof is not sufficient for her Support, & therefore praying that he may be impowered to sell the said Land, & the produce of the Sale to be put out at Interest for her Benefit.

Read and

*Ordered* that the Prayer of this Pet<sup>n</sup> be granted And that the sd Thomas in his Capacity be and he hereby is Impowered to make Sale of the real Estate of the said Mary, and to Execute a good Deed thereof He observing the Province Law respecting the Sale of Real Estates. And giving Caution to the Judge of Probate for the County of Hampshire that the Proceeds thereof be improved for the comfortable support of the said Mary during her natural Life      And that after her Decease the remainder (if any there be) shall be distributed to the Heirs of the said Mary according to Law. [Passed June 4.]

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## CHAPTER 30.

## ORDER ALLOWING THE ACCOUNT OF THE TRUSTEES OF THE HASANIMISCO INDIANS.

Legislative Records of the Council, xix., 463. Mass. Archives, xxxii., 246.

House Journal, p. 21. Province Laws, xiii., 326, chap. 227.

AN ACCOMPT presented by John Chandler, John Jones & Edward Baker Esq<sup>s</sup> Trustees for the Indians at Grafton, of Receipts & Disbursements for the said Hasanimisco Indians from June 1751 to May 1752.

Read and

*Ordered* that this Acc<sup>t</sup> be allowed and the Ball<sup>a</sup> thereof being Three pounds four Shill<sup>gs</sup> and eight pence three farthings The said Trustees are further accountable for. [Passed June 4.]

## CHAPTER 31.

### ORDER APPOINTING A COMTEE ON THE AFFAIR OF FORT DUMMER.

In Council

Whereas this Province are still at the Charge of Supporting the Garrison at Fort Dummer, in Confidence of his Majestys Goodness and Justice in giving Orders for a Reimbursement of the said Expence; & that matter lying before the Right Hon<sup>ble</sup> the Lords Commissioners for Trade & Plantations for their Consideration

*Ordered* that Samuel Watts John Wheelwright and Thomas Hutchinson Esq<sup>r</sup>s with such as the Hon<sup>ble</sup> House shall join be a Committee to Consider what may be proper further to be done by this Court for Obtaining a Reimbursement of the said Expence (Agreeable to His Majestys Royal Order in Council Respecting the said Fort) & other Charges without the Line

In the House of Rep<sup>ues</sup>

Read and Concurred and Maj<sup>r</sup> Laurence M<sup>r</sup> Vassall Cap<sup>t</sup> Ruggles and M<sup>r</sup> Lyman are Joyned in the Affair. [Passed June 4.

Legislative Records of the Council, xix., 464. Mass. Archives, lxxiv., 60.

Legislative Records of the Council, xvii., 243, 254. House Journal, p. 17. Ante, p. 254, chap. 316.

## CHAPTER 32.

### ORDER ALLOWING ACCOUNT OF SALE OF LAND BELONGING TO SARAH PRINTER AND ABIGAIL ABRAHAM, INDIANS.

AN ACCOMPT presented by the Trustees of the Hassanimisco Indians of the Sale of the Lands of Sarah Printer & Abigail Abraham to Nathaniel Sherman of the Produce of the said Land & the Debts of the said Sarah & Abigail, Ballance in the Trustees Hands being £1.6/6.

Read and

*Ordered* that the above Account be allowed and the said Trustees are discharged of the Sums paid by them Accordingly. [Passed June 4.

Legislative Records of the Council, xix., 464. Mass. Archives, xxxii., 134.

House Journal, p. 21. Province Laws, xiii., 326, chap. 227.

## CHAPTER 33.

### ORDER ALLOWING ACCOUNT OF SALE OF LAND BELONGING TO ELIZABETH ABRAHAMS, INDIAN.

AN ACCOMPT presented by the Trustees of the Hassanimisco Indians of the Sale of Lands of Elizabeth Abrahams (by Order of the General Court) to Ephraim Sherman, Containing the Amount of the produce & of the Debts paid, & the Ballance put out to Interest being £66.13.4.

Read and

*Ordered* that the above acc<sup>t</sup> be allowed and the Ball<sup>a</sup> thereof being Sixty Six pounds thirteen shillings and four pence with the Interest thereof. The s<sup>d</sup> Trustees are further accountable for. [Passed June 4.

Legislative Records of the Council, xix., 464. Mass. Archives, xxxii., 135.

House Journal, p. 21. Province Laws, xiii., 326, chap. 227. Ante, p. 463, chap. 135.

## CHAPTER 34.

## ORDER ALLOWING ACCOUNT OF SALE OF LAND BELONGING TO SARAH PRINTER AND ABIGAIL ABRAHAM, INDIANS.

Legislative Records of the Council, xix., 464. Mass. Archives, xlvi., 265.

House Journal, p. 21. Province Laws, xiii., 326, chap. 227.

*Ante*, p. 459, chap. 126.

AN ACCOMPT presented by the Trustees of the Hassanimisco Indians of the produce of Lands by them sold (belonging to Sarah Printer & Abigail Abraham) by Order of the General Court & purchased by Joseph Batchelor & Jonathan Rolfe, of the amount of the Debts of the said Sarah & Abigail by them paid, & of the Balance remaining in their Hands, viz<sup>t</sup>: £5.7.7.

Read and

*Ordered* that this Acc<sup>t</sup> be allowed and the Trustees are discharged accordingly. [Passed June 4.]

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## CHAPTER 35.

## ORDER ALLOWING ACCOUNT OF SALE OF LAND BELONGING TO SARAH BURNEE, INDIAN.

Legislative Records of the Council, xix., 464. Mass. Archives, xxxii., 247.

House Journal, p. 22. Province Laws, xiii., 326, chap. 227.

*Ante*, p. 372, chap. 271.

AN ACCOMPT presented by the Trustees of Hassanimisco Indians of the Produce of Land belonging to Sarah Burnee sold (by order of the General Court) to Hezekiah Ward & Abraham Temple, the Amount of the said Sarah's Debts by them discharged & the Ballance remaining in their Hands viz<sup>t</sup>: £11.14.5.

Read and

*Ordered* that the within Acc<sup>t</sup> be allowed and the Ball<sup>a</sup> thereof being eleven pounds fourteen shill<sup>gs</sup> and five Pence the said Trustees are further accountable to the said Sarah for. [Passed June 4.]

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## CHAPTER 36.

## VOTE FOR SELLING PROVINCE LANDS IN WORCESTER COUNTY.

Legislative Records of the Council, xix., 464.

House Journal, pp. 19, 28. *Infra*, chap. 40.

WHEREAS there are Eight hundred ninety four Aeres of Land belonging to the Province lying North of New Salem, Nine hundred Twenty eight Acres between Lancaster & Narraganset Numb<sup>r</sup> Two, Two hundred Acres between Lunenburgh Line & Leominster Line, One hundred & Sixty seven Aeres between Lancaster & Narraganset Number Two, three hundred thirty seven Aeres, & one hundred & fifty six Rods between the Farm called Wiswalls Farm & Narraganset Number two, Eleven Thousand three hundred ninety one Aeres North of Millers River, Thirty Thousand five hundred seventy seven Acres, in the County of Worcester, adjoining North on the Province Line,

*Voted* that the said Lands be sold as soon as may be to such Persons as shall be enjoined to settle the Same & that the Produce thereof be lodged in the Province Treasury for the Use of the Governm<sup>t</sup>. [Passed June 4.]

## CHAPTER 37.

VOTE ACCEPTING THE REPORT OF THE COMMITTEE ON REIMBURSEMENT OF THE EXPENSE OF THE GARRISON AT FORT DUMMER.

THE COM<sup>TEE</sup> to whom was refer'd the Consideration, for obtaining the Reimbursment of the Expence, at Fort Dummer & other Charges without the Line which are now lying before the Right Hon<sup>ble</sup> the Lords Commissioners for Trade & Plantations for their Consideration, having attended that Service, are humbly of Opinion that M<sup>r</sup> Secretary be directed to write to M<sup>r</sup> Agent Bollan, to inquire into the State of that Affair, & directing him to use his Endeavours to obtain the Reimbursem<sup>t</sup> Agreeable to the Accompt exhibited, & also the further Expence of the Garrison at Fort Dum<sup>r</sup> & other Charges without the Line from the last Accompt to this Time "▲"

All which is Submitted. SAMUEL WATTS p Order

Read & Accepted with the Amendment at "▲" viz<sup>t</sup>: And that His Honour, the Lieuten<sup>t</sup> Governoeur be desired to represent the State of the Affair & the just Claim the Province hath to a reimbursem<sup>t</sup> by a Letter to the Right Hon<sup>ble</sup> the Lords Commissioners for Trade & Plantations by the first Opportunity. [Passed June 4.<sup>1</sup>

Legislative Records of the Council, xix., 466.

Mass. Archives, lxxiv., 61. House Journal, pp. 17, 24. Ante, p. 641, chap. 31.

## CHAPTER 38.

ORDER FOR SENDING PROVISIONS TO THE FORT AT ST. GEORGES RIVER AND RICHMOND.

Ordered that the Commissary General be directed to send six Hogsheads of Bread & six Barrells of Pork to the Fort at St Georges River & Richmond to be distributed among the Indians in Case any of them may come into any of said Forts in Expectation of a Conference, & be delayed untill advice be received from the Governm<sup>t</sup>. [Passed June 5.<sup>2</sup>

Legislative Records of the Council, xix., 460.

Mass. Archives, xxxii., 265. House Journal, p. 23.

## CHAPTER 39.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE PETITION OF MATHIAS HOWE TO ENTER AN APPEAL.

THE COM<sup>TEE</sup> to whom was referd the Petition of Mathias Howe having heard the Parties & Considered the said Petition, are of Opinion, that the Prayer thereof be so far granted, as that the Petitioner be impowered to pursue his Appeal at the Inferior Court of Common Pleas next, to be holden within & for the County of Worcester, on a new Entry, and that the Justices of the said Court next to be holden at Worcester as aforesaid be directed & impowered to hear & try the said Cause, give Judgment therein & award Execution thereon according to Law, & that

Legislative Records of the Council, xix., 462.

Mass. Archives, xlili., 515. Legislative Records of the Council, xix., 466. House Journal, p. 90 (January, 1752); pp. 16, 27.

<sup>1</sup> This date is according to Legislative Records of the Council. The date of concurrence with the amendment by the Council, as given in Mass. Archives, is June 4. Concurrence by the House and the Governor's signature are not given in Mass. Archives.

<sup>2</sup> This date is according to Mass. Archives; according to Legislative Records of the Council and the House Journal the date is June 4.

*Ante*, p. 57<sup>o</sup>,  
chap. 103.

the Jndgment given by said Court in November last, on the Non Suit & Complaint, with the Proceedings had thereon, be superseded & declared Void; The said Com<sup>tee</sup> further Report that it appears to them as well from the Declaration of Sheriff Chandler as of the Petitioner himself, that the said Sherriff was no ways to blame on Acconnt of his Proceedings in Relation to the Petitioner, he being at that Time wholly Ignorant that the Petitioner had any Action depending in the Court

All which is humbly Sbmited      p Order EZEK. CHEVER  
Read &

*Ordered* that this Report be Accepted. [Passed June 5.<sup>1</sup>

## CHAPTER 40.

### VOTE AUTHORIZING THE SALE OF PROVINCE LANDS AT AUCTION AND ORDER APPOINTING A COMMITTEE TO ATTEND TO SAME.

Mass.  
Archives,  
exvi., 216.

House Jour.  
nal, pp. 24, 28.  
*Supra*, chap.  
36.

In the House of Rep<sup>ues</sup>

*Voted* That the Lands hereafter mentioned be advertised, in the Recess of the Court and to be sold at publick Vendue, on the next Session of this Court upon the Conditions hereafter mentioned Viz<sup>t</sup>:

The Lands north of Pequoag on the Province Line containing 28,375 Acres to be sett up at £1,333.6.8 Lawfull money, and to be struck off to the highest Bidder, the purchaser to pay down Sixty Dollars, and the remainder of the money arising by said sale, to be paid into the Province Treasury within one Year from the Date of the Sale, and that the Purchaser settle Sixty families on s<sup>d</sup> Lands, build a house Eighteen foot square, 7 foot stud and clear six Acres of Land fitt for Tillage or mowing for each family, also to build a Meeting house, and settle a Lerned Protestant Minister, to lay out a Sixty third part of s<sup>d</sup> Land for the first Minister that may be settled on s<sup>d</sup> Land, One Sixty third part for a Ministerial Lott, One other Sixty third part for a School Lott, the whole to be compleated within five year from the Date of the Sale      That the Land North of Millers River Containing 11,016 Acres be sett up at £267 Lawfull Money, and struck off to the highest Bidder, the Purchaser to pay down 25 Dollars, and remainder of the Money arising by s<sup>d</sup> Sale to be paid into the Publick Treasury, in one Year from the Date of the Sale, and that the Purchaser settle Three families on s<sup>d</sup> Land, build a house for each family Eighteen foot square, 7 foot stud, and clear up 6 acres of Land fitt for mowing or Tillage for each family, and compleat the whole in five Years from the Date of the Sale      That the Lands betwixt Lancaster & Narragansett N° 2 North of Cap<sup>n</sup> Plaisteds farm, containing 928 acres be sett up at £139 Lawfull Money, and be struck off to the highest Bidder, the Purchaser to pay down 10 Dollars, and the Remainder of the Money arising by said Sale to be paid into the Publick Treasury in One Year from the Date of the Sale also to build a House Eighteen foot Square, 7 foot Stnd clear 6 Acres of Land fitt for mowing or Tillage and settle one family, compleating the Whole in Five Years from the Date of s<sup>d</sup> Sale      That the Land on Narragansett Line, containing 337 Acres, be sett up at £50 Lawfull money, and be struck off to the highest Bidder, the Purchaser to pay down 8 Dollars, and

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is June 4.

the Remainder of the Money arising by said Sale to be paid into the Publick Treasury in One Year from the Date of the Sale. That the Lands on Lunenburg adjoining to Land of the Hon<sup>ble</sup> James Allen Esq<sup>r</sup> which he purchased of the Province Containing 167 Acres, be sett up at £25 Lawfull Money and be struck off to the highest Bidder, the Purchaser to pay down 8 Dollars, and the Remainder of the Money arising by s<sup>d</sup> Sale to be paid into the Publick Treasury in one Year from the Date of the Sale. That the Lands on Leominster and Lunenburg containing 200 Acres be sett up at £40 Lawfull Money and be struck off to the highest Bidder, the Purchaser to pay down 8 Dollars, and the remainder of the Money arising by s<sup>d</sup> Sale to be paid into the Publick Treasury in One Year from the Date of the Sale. That the Lands North of New Salem and East of Salem Grant, Containing 894 acres be sett up at £66 Lawfull Money, and struck off to the highest Bidder the Purchaser to pay down 15 Dollars, and the remainder of the Money arising by s<sup>d</sup> Sale to be paid into the Publick Treasury in One Year from the Date of the Sale, and also to settle Two families on s<sup>d</sup> Land, build a House for each family and clear 6 Acres of Land fitt for mowing or Tillage for each family compleat the whole in five Years from the Date of the Sale.

*Ordered* also that M<sup>r</sup> Speaker M<sup>r</sup> Tyng and Maj<sup>r</sup> Lawrence with such as the Hon<sup>ble</sup> Board shall Joynt be a Comin<sup>ee</sup> to make Sale of the above described Lands and that they take Bonds of the Purchasers equal to the Value of the Land Obliging them to perform the Conditions of said Sale.

In Council Read & Concur'd and John <sup>1</sup> Chandler & James Minot Esq<sup>rs</sup> are joined in the Affair. [Passed June 5.

## CHAPTER 41.

### VOTE APPOINTING A COMMITTEE TO INQUIRE IN REGARD TO THE NON-PAYMENTS OF EXCISE BY COLLECTORS.

In Council

Whereas an Act was in Aprill 1750 pass'd for granting Unto his may<sup>ty</sup> an Excise upon Coffee, Tea, Coaches &c<sup>t</sup>, & Collectors were accordingly appointed to Collect the said Dutys in the Severall Countys; but no payments have been made in the Publick Treasury by the Said Collectors, that this Board is informed of, which is to the great Damage of the province, Therefore

Mass.  
Archives,  
cxix., 558.

House Jour-  
nal, pp. 23, 27.  
Province  
Laws, iii., 495,  
chap. 21.

*Voted* that Andrew Oliver & Thomas Hutchinson Esq<sup>r</sup> with Such as Shall be joyn'd by the Hon<sup>bl</sup> House be a Committee to make Inquiry into the Affair, and Report what they Judge proper for the Court to do thereon at the begining of the Next siting of this Court

In the House of Rep<sup>res</sup>

Read and Concurred and M<sup>r</sup> Speaker M<sup>r</sup> Allen and M<sup>r</sup> Gibbs are Joyned in the Affair. [Passed June 5.

<sup>1</sup> In the original MS. the opening words of this concurrence are mutilated.

## CHAPTER 42.

## RESOLVE ALLOWING £600 TO YE TOWN OF BOSTON.

Legislative  
Records of the  
Council, xix.,  
466.

House Jour-  
nal, p. 29.  
Province  
Laws, iii., 606,  
note.

A PETITION of the Town of Boston setting forth the distressed State of the said Town by the prevailing of the Small Pox among them, the great Increase of the Poor. Decay of their Trade & the removal of many of their Inhabitants to other Towns, with other Misfortunes, praying for the Compassion of this Court, either by granting them a Sum of Money out of the publick Treasury or in such other Way as shall appear best to the Wisdom of the Court,

Read & the following Vote passed viz<sup>t</sup>

WHEREAS by reason of the Small Pox so generally prevailing in the Town of Boston, many Persons are reduced to very great Streights & necesituous Circumstances who otherwise would have been in a Capacity to have Subsisted, their Familys in Comfortable Circumstances.

*Resolved* that the Sum of Six hundred Pounds be allowed & paid out of the publick Treasury to the Overseers of the Poor of the Town of Boston, to be distributed among such Persons as they shall judge to stand in need of Relief, for the Reasons aforesaid.  
[Passed June 5.

## CHAPTER 43.

## VOTE FOR A PUBLIC FAST.

Legislative  
Records of the  
Council, xix.,  
467. Mass.  
Archives,  
xiii., 328, 329.

House Jour-  
nal, p. 28.  
Love's Fast  
and Thanks-  
giving Days  
of New Eng-  
land, p. 496.

In the House of Rep<sup>ves</sup>

Whereas it has pleased a sovereign & Righteous God in various ways of his judgments to punish this province for their sins more especially by the distresses of the small pox and other distresing fevers prevailing in the province.

Which tokens of Gods displeasure against us this house are sensible calls for our hmliliation. Therefore

*Voted* that his Honour the Lieu<sup>t</sup> Governor by the advice of his Majesties Council be desir'd to issue out a proclamation for a day<sup>1</sup> of publick fasting & prayer thro this province that it would please a mercifull God to remove these his righteous judgments which our sins have deservd & all servile Lab<sup>r</sup> & recreations are forbidden on said Day.

In Council;

Read & Concur'd. [Passed\* June 5.

## CHAPTER 44.

## RESOLVE REQUIRING THE SHERIFF OF SUFFOLK COUNTY TO ATTEND TO THE SENDING OF PROCLAMATIONS &amp;c.

Legislative  
Records of the  
Council, xix.,  
467. Mass.  
Archives,  
xliii., 587.

ON A COMPLAINT made that the Sheriff of the County of Suffolk had neglected his Duty of sending the respective Proclamations from time to time for publick Fasts Thanksgivings Prorogations of the General Court &c to the several Sheriffs of the respective Counties

<sup>1</sup> The fast was appointed for Thursday, July 2, 1752, and was public.

Which appears to be the Duty of the Sheriff of Suffolk aforesaid; House Journal, p. 28.  
and for which He is accordingly paid Therefore

*Resolved* that the Sheriff of the County of Suffolk, be and hereby is required from time to time to take due care seasonably to Send or Convey said Proclomations &c to the Sheriffs of the several Countys as occasion may require. [Passed June 5.]

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## CHAPTER 45.

### ORDER APPOINTING A COMMITTEE ON THE PETITION OF THE INDIANS AT STOCKBRIDGE.

A PETITION of the Indian Inhabitants of Stockbridge shewing that there are divers Tracts of Land belonging to them upon which the English Inhabitants of this Province are settled without pur- chasing the Petitioners Right, praying that this Court would take such Measures that they may have a full Satisfaction for the said Lands

The Committee to whom was Referred the within Petition are of Opinion that a Committee be appointed to make a full & Strict inquiry as to the Claims of the Indians to ye within Lands & Other Lands Lying in the County of Hampshire & Report as Soon as may be to this Court what they may Judge proper for the Court to doe thereon & that this petition be Referrd till Such time for further Consideration

All which is humbly submitted  
¶ order of ye Comittee JOSEPH WILDER

In the House of Rep<sup>ves</sup>

Read and

*Ordered* that this Report be accepted And that Col Porter and Maj<sup>r</sup> Worthington with such as the Hon<sup>ble</sup> Board shall app<sup>t</sup> be a Comm<sup>ee</sup> to make full and strict inquiry as to the Claims of the Indians to the within Lands and other lands lying in the County of Hampshire and report as soon as may be to this Court what they may Judge proper for this Court to do thereon and that this Pet<sup>n</sup> be refer'd till that time for consideration

In Council Read and Concurr'd and Oliver Partridge Esq<sup>r</sup> is Join'd in the affair. [Passed June 5.]

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## CHAPTER 46.

### ORDER ALLOWING £36 TO BENJ<sup>A</sup> ASHLEY.

A PETITION of Benjamin Ashley of Stockbridge shewing that in the Month of October 1750, he was desired by the Mohawks to go with them to that Place & assist their Settlement, that ever since that Time he has been employed in teaching their Children & other Services, & his Wife as an Interpreter for them & therefore praying for a suitable Allowance for his & his Wife's Services

Read &

*Ordered* that the Sum of Thirty six Pounds be paid out of the Publick Treasury in full to the Petitioner for the Service within mentioned to the first of April last.

Legislative Records of the Council, xix., 455. Mass. Archives, xxxii., 263.

Mass. Archives, xxxii., 262. Legislative Records of the Council, xix., 467. House Journal, pp. 14, 25. Ante, p. 454, chap. 117.

House Journal, pp. 14, 25. Ante, p. 488, chap. 203; p. 563, chap. 66.

*Voted* that the Com<sup>tee</sup> heretofore appointed for the Mohawk Affairs at Stockbridge, be directed to procure such an Interpreter as may be needfull for one Year from the first of April last. [Passed June 5.]

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## CHAPTER 47.

### ORDER OF NOTICE ON THE PET<sup>N</sup> OF TIM<sup>O</sup> PROUT ESQ<sup>R</sup> FOR CHOOSING A JURY OUTSIDE OF YORK COUNTY.

Legislative Records of the Council, xix., 468. Mass. Archives, xliii., 535.  
House Journal, p. 29.

A PETITION of Timothy Prout of Scarborough in the County of York Esq<sup>r</sup> shewing in behalf of himself & divers others Heirs & Assigns, of the Ancient Inhabitants & Proprietors of said Town, that the Inhabitants since their last Settlement there have granted away some of the old Proprietors Rights, & for as much as it has been the Practice in divers other Towns in said County, the Petitioner & others deriving their Right from the Ancient Proprietors cannot have a fair Trial for recovering or maintaining Possession of their Rights, for want of a free & impartial Jury, & therefore praying that he may have a Jury out of an other County for the Trial of his Suits depending in the Superior Court to be held at York the next Week

Read and

*Ordered* that the Pet<sup>r</sup> serve the Adverse Parties with a copy of this Pet<sup>n</sup> that they shew cause if any they hath on the second thursday of the next Sitting of this Court why the Prayer thereof shold not be granted And all Proceedings in the Law are Staid in the mean time.<sup>1</sup> [Passed June 5.]

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## CHAPTER 48.

Legislative Records of the Council, xix., 468.  
House Journal, p. 29.

### VOTE REFERRING ALL UNFINISHED MATTERS.

*Voted* that all Matters now before the Court not passed upon be refer'd to the next sitting of this Court. [Passed June 5.]

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## CHAPTER 49.

Legislative Records of the Council, xix., 468. Mass. Archives, cxvi., 180.  
House Journal, p. 22.  
*Ante*, p. 605, chap. 175.

### ORDER OF NOTICE WITH STAY OF ALL PROCESSES ON THE AFFAIR OF THE LINE BETWEEN SUFF<sup>O</sup> & PLYM<sup>O</sup> COUNTYS.

*Ordered* that all Affairs respecting the Line between the Counties of Suffolk and Plymouth be referd till the Second tuesday of the next Sitting of this Court, and all Processes in the Law are Staid in the mean time. [Passed June 5.]

<sup>1</sup> At the hearing, December 13, 1752, House Journal, p. 82, this petition was dismissed.

## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-SECOND DAY OF NOVEMBER, A.D.  
1752.

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### CHAPTER 50.

#### ORDER SETTING OFF DIVERS INHABITANTS OF STOUGHTON TO THE TOWN OF WALPOLE.

A PETITION of James Smith, John Hooper, Samuel Guield & Thomas Page shewing that Whereas this Court were pleased to set them off from Stoughton to Walpole as to the Maintenance of the Minister & School only, they find great Inconveniences by Reason of their not being wholly set off to Walpole, therefore praying that they may be set off by the Lines mentioned in the Petition.

Read & It appearing that the Town of Stoughton have been served with a Copy of this Petition & have declined to give any Reasons for Not granting the Prayer thereof;

*Ordered* that the Prayer of the Petition be granted & that the Petitioners & their Estates be set off from the Town of Stoughton & annexed to the Town of Walpole to all Intents & Purposes whatsoever (until this Court shall order otherwise,) according to the Bounds mentioned in the Petition. [Passed November 25.]

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### CHAPTER 51.

#### VOTE APPOINTING A COM<sup>TEE</sup> FOR BURN<sup>G</sup> BILLS OF CREDIT & GOVERNMT SECURITIES.

In Council

*Voted* that John Osborne, Jacob Wendell, Daniel Russell, Samuel Watts, John Chandler, Ezekiel Chever, John Wheelwright, Andrew Oliver & Thomas Hutchinson Esq<sup>rs</sup> with such as shall be joined by the Hon<sup>ble</sup> House, be a Com<sup>tee</sup> to take an Acco<sup>t</sup> of the Bills in the Treasury ready to be burned, as also the Governm<sup>ts</sup> Securities & consume them to Ashes & report thereon as soon as may be, In the House of Repres<sup>ves</sup> Read & Concur'd & M<sup>r</sup> Gray, Capt Ruggles, Col<sup>o</sup> Otis, M<sup>r</sup> Bowdoin, M<sup>r</sup> Tyng, Capt Williams Cap<sup>t</sup> Kent Capt. Sheaf, M<sup>r</sup> Townsend & Capt Porter are joined in y<sup>e</sup> Affair. [Passed November 27.]

Legislative Records of the Council, xix., 473.

House Journal, pp. 39, 40.

## CHAPTER 52.

## ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF JAS ATKINSON.

Legislative Records of the Council, xix., 474. Mass. Archives, xlili., 557.

Mass. Archives, xlili., 555–557. House Journal, p. 40.

A PETITION of James Atkinson praying (for Reasons particularly mentioned in the Petition) for Liberty to Review an Action between him & Benj<sup>a</sup> Bryant of Scituate tried at the Inferior Court of Common Pleas in the County of Plimouth wherein Judgment went against the Petitioner by Default & that Execution be stayed in the mean Time

Read and

*Ordered* that the Pet<sup>r</sup> serve the adverse Partie with a copy of this Pet<sup>n</sup> that He shew cause if any He hath on thirsday the 7<sup>th</sup> of December next why the Prayer thereof should not be granted and Execution within mentioned is Stayed in the mean time.

PROVIDED the Pet<sup>r</sup> give Security to the Sheriff of the County of Suffolk to pay what shall be Judged finally due upon the Action within mentioned. [*Passed November 28.*]

## CHAPTER 53.

## RESOLVE CONFIRMING THE PROCEEDINGS AT A TOWN MEETING IN THE FIRST PRECT IN WESTBORO'.

Legislative Records of the Council, xix., 475. Mass. Archives, cxvi., 207.

Mass. Archives, cxvi., 205. House Journal, pp. 28, 44.

A PETITION of the Inhabitants of the first Precinct in Westboro' shewing that in a Precinct Meeting called by Warrant from Nahum Ward Esq<sup>r</sup> dated the 19<sup>th</sup> of December 1744, there were divers defects in point of Form made thro' Mistake which might invalidate the proceedings of that & subsequent Meetings therefore praying that the said Proceedings may be confirmed by this Court.

[Read &]

*Resolved* that the Proceedings of the Inhab<sup>ts</sup> of the first Precinct of the Town of Westborough in the Choice of Officers for the Managment of their publick Affairs, pursuant to a Warrant to call a Meeting in said Precinct for that purpose, Exhibited by Nahum Ward Esq<sup>r</sup> bearing Date Dec<sup>r</sup> 19. 1744 And all Proceedings of said Precinct, of that Nature resulting therefrom ever since, be held good and valid any Exceptions to the contrary notwithstanding.

And that for the future their Precinct Clerk is impowered by Order of their Comm<sup>ee</sup> to call the Inhab<sup>ts</sup> of said Precinct duly qualified for Voting in the Choice of such Officers together, by Posting up his Notifications or Warrants for that purpose and all other Precinct Affairs. [*Passed November 28.*]

## CHAPTER 54.

## ORDER IMPOWERING ELISABETH LAWRENCE, ADMINISTRATRIX, TO SELL REAL ESTATE.

Legislative Records of the Council, xix., 476. Mass. Archives, xviii., 897.

A PETITION of Elisabeth Lawrence Widow & Administratrix of the Estate of John Lawrence of Woburn dec<sup>d</sup> with others concerned, shewing that the Circumstances of the Real Estate are such, that selling any part of it will be of great Prejudice to the

Remainder therefore praying that the whole may be sold, the Remainder of the Produce, after the Debts be paid to be divided according to Law.

Read and

*Ordered* that the within named Elizabeth Lawrence in her said Capacity be and She hereby is Impowered (with the Advice and Consent of Capt Benjamin Reed) to make Sale of the real Estate within mentioned; and to Execute a good Deed or Deeds of the Same.

Mass.  
Archives,  
xviii., 895.  
House Jour-  
nal, pp. 35, 44,  
45. Province  
Laws, ii., 151,  
chap. 10.

She observing the directions of the Law respecting the Sale of real Estates: One third part of the Proceeds of said Sale to be allowed for the Use of the said Elizabeth during her natural Life. She giving Security to the Judge of Probate for the County of Middlesex to return the Same at her Decease to the proper Heirs of the within named John Lawrence.

The other two thirds to be Improved for the payment of the Just Debts of the Deceased.

She to be accountable to the said Judge for the Overplus. [Passed November 29.

## CHAPTER 55.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE TO FARM THE EXCISE IN WORCESTER COUNTY, AND ALLOWING £2. 9. 4 FOR EXPENSES THEREOF.

A REPORT of the Com<sup>tee</sup> appointed by this Court to Let out to Farm the Excise on Wine, Liquors &c for the County of Worcester shewing that they have Let out the Same for one Year to M<sup>r</sup> Ezra Taylor of Southboro' for the Sum of £75.6.8 Lawfull Money, & have taken Bonds & delivered them to the Treasurer; their Account of Time & Expence amounting to £2.9.4

Legislative  
Records of the  
Council, xix.,  
477. Mass.  
Archives,  
cxix., 562.  
*Ante*, p. 635,  
chap. 13.

Read and Accepted and the within mentioned Sum is allowed accordingly.<sup>1</sup> [Passed November 29.

## CHAPTER 56.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE TO FARM THE EXCISE IN MIDDLESEX COUNTY, AND ALLOWING £2. 14. 2 FOR EXPENSES THEREOF.

A REPORT of the Com<sup>tee</sup> appointed to let out to Farm, the Excise upon Wine, Liquors &c for the County of Middlesex shewing that they have let out the Same for one Year to M<sup>r</sup> John Hunt of Watertown for the Sum of £722.13.4 & have taken Bonds & lodged them with the Treasurer, their Account of Time & Expence amounting to £2.14.2.

Legislative  
Records of the  
Council, xix.,  
477. Mass.  
Archives,  
cxix., 563.

Read and Accepted and

*Ordered* that the within Accompt be allowed. [Passed November 29.

Mass.  
Archives,  
cxix., 564.  
House Jour-  
nal, p. 47.  
*Ante*, p. 635,  
chap. II.

<sup>1</sup> Not found in the House Journal.

## CHAPTER 57.

## ORDER ALLOWING £12. 10. 4 TO ELENOR HIND.

Legislative  
Records of the  
Council, xix.,  
477. Mass.  
Archives,  
Ixvii., 79.

Mass.  
Archives,  
Ixvii., 77, 78.  
House Jour-  
nal, pp. 14, 47.  
Province  
Laws, xiii., 465,  
chap. 1.

A PETITION of Elenor Hind praying that she may be allowed the Wages due to Sergeant Jabez Clarke for his Service in the late Expedition to Cape Breton made over to her by Power from the said Clarke.

Read and

*Ordered* that the Sum of twelve pounds ten Shillings and four pence be allowed the Pet<sup>t</sup> out of the publick Treasury, it being the Sum due to Jabez Clark from the Committee of War. [Passed November 29.]

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## CHAPTER 58.

ORDER ALLOWING £3 AND £3 ANNUALLY TO THOS<sup>S</sup> WHITE.

Legislative  
Records of the  
Council, xix.,  
477. Mass.  
Archives,  
Ixvii., 88.

Mass.  
Archives,  
Ixvii., 86.  
House Jour-  
nal, pp. 40, 44.

A MEMORIAL of Thomas White of Marshfield setting forth his Services & Suffering in divers Wars, wherein he received divers Wounds, by which means & by Reason of old Age he is rendered unable to provide for himself Therefore praying for Relief from this Court

Read and

*Ordered* that the Sum of three pounds be granted the Memerialist out of the publick Treasury in consideration of his sufferings within mentioned. As also an Annual Pension of three pounds during his natural Life. [Passed November 29.]

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## CHAPTER 59.

## ORDER ACCEPTING THE REPORT OF THE COMMITTEE TO FARM THE EXCISE IN YORK COUNTY FOR 1751, AND ALLOWING £1. 12 FOR EXPENSES THEREOF.

Legislative  
Records of the  
Council, xix.,  
479. Mass.  
Archives,  
Cxix., 559.

Mass.  
Archives,  
Cxix., 516.  
House Jour-  
nal, p. 43.  
*Ante*, p. 553,  
chap. 40.

A REPORT of the Com<sup>tee</sup> appointed to let out to Farm, the Excise on Wine Liquors &c. for the County of York in the Year 1751, shewing that they did let out the same to Capt Jeremiah Moulton, of York for £64.4 & have taken Bonds thereon. Their Accomp<sup>t</sup> of Time & Expence amounting to £1.12.

Read and Accepted and

*Ordered* that the within Acc<sup>t</sup> be allowed. [Passed November 29.]

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## CHAPTER 60.

## ORDER ACCEPTING THE REPORT OF THE COMMITTEE TO FARM THE EXCISE IN THE COUNTY OF YORK FOR THE YEAR 1752, AND ALLOWING £2. 10. 5 FOR EXPENSES THEREOF.

Legislative  
Records of the  
Council, xix.,  
479. Mass.  
Archives,  
Cxix., 560.

Mass.  
Archives,

A REPORT of the Comm<sup>tee</sup> appointed to let out to Farm the Excise on Wine, Rum &c<sup>a</sup> for the County of York in the present Year, shew-

ing that they have Let out the Same to Jeremiah Moulton jun<sup>r</sup> of exix., 559.  
York for £66.12 & have taken Bond & lodged it with the Treasurer, House Jour.  
Their Accompt of Time & Expence being £2.10.5. nat., p. 43.  
*Ante*, p. 636,  
chap. 17.

Read and Accepted and

*Ordered* that the above accompt be allowed. [Passed November 29.]

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## CHAPTER 61.

### ORDER IMPOWERING THOS RUSSELL, GUARDIAN, TO SELL REAL ESTATE.

A PETITION of Thomas Russell of Boston Braizer Guardian of his five Minor Children, viz<sup>t</sup> Joseph & Jeremiah Condy Russell, John, William & Jonathan Russell, shewing that there is part of a dwelling House & Land in Boston left to the said Minors (with their elder Brother) by their Grand mother dec<sup>d</sup>, that the said House is much out of Repairs & no Estate to Repair it with, that there is now a good Opportunity to sell the said House & Land to some Advantage which the other Owners are disposed to do. Praying that the Petitioner as Guardian may be impowered by this Court to join in the Sale

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and that the Pet<sup>r</sup> in his Capacity be and he hereby is Authorized to make Sale of the Premisses within mentioned for the most that may be; and to Execute a good Deed or Deeds in the Law for the Same. He first observing the Law respecting the Sale of intestate Estates. And giving Security to the Judge of Probate for the County of Suffolk that the proceeds of such Sale shall be duly applyed and put out at Interest for the benefit of the five Snrviving Children within named the Eldest son named in the Pet<sup>n</sup> being since Dead. And that both principal and interest be delivered them respectively (necessary Charges being first deducted) when they shall arrive at Lawful Age. He the s<sup>d</sup> Guardian to be accountable to the Judge of Probate for the time being of the County aforesaid for his proceedings in the Premisses.

[Passed November 30.]<sup>1</sup>

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## CHAPTER 62.

### ORDER IMPOWERING NEW BRAINTREE TO LAY A TAX OF ONE PENNY PER ACRE.

A PETITION of the Select Men of the District of New Braintree, shewing that by Reason of the smallness of their Numbers, and the Straitness of their Circumstances they find it difficult to give their Ministers sufficient Support therefore praying that the Inhabitants of said District, may be impowered to levy a Tax of Two Pence p Acre p Annum for three Years on all the Lands there whether improved or unimproved, for a Ministers Support

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be so far granted as that the Inhabitants of the within mentioned District be and they hereby are

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council and the House Journal the date is November 29.

allowed and Impowered to Impose a Tax of one penny per Acre per Annum upon all the Lands within the Bounds of said District for three Years successively for the purposes within mentioned. [Passed November 30.]

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## CHAPTER 63.

### ORDER APPOINTING A COMTEE TO INQUIRE INTO THE STATE OF THE TREASURY.

Legislative Records of the Council, xix., 480.  
Mass. Archives, ciii., 48. Legislative Records of the Council, xix., 471. House Journal, p. 50.

In the House of Repres<sup>ves</sup>

*Ordered* that Mr Speaker, Mr Gray, Mr Trowbridge, Mr Bowdoin, Coll<sup>o</sup> Winslow, Judge Russell, Mr Hunt, Coll<sup>o</sup> Otis, Capt Sheaf, Capt Ruggles, & Mr Tyng with such as the Hon<sup>ble</sup> Board shall join, be a Com<sup>tee</sup> forthwith to enquire into the Particular State of the Treasury, & that the Treasurer be directed to attend this Com<sup>tee</sup> & (if it be necessary) that he be excused from Attendance on the other Bussiness of his Office, during the sitting of the Com<sup>tee</sup> on this Affair. In Council Read & Coneur'd & Jacob Wendell, Samuel Watts, John Chandler, Ezekiel Chever, John Wheelwright, Andrew Oliver & Thomas Hutchinson Esq<sup>s</sup> are joined in the Affair. [Passed November 30.]

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## CHAPTER 64.

Legislative Records of the Council, xix., 480. Mass. Archives, ciii., 47.  
House Journal, p. 50. Ante, p. 649, chap. 51.

### ORDER SUBSTITUTING DIVERS PERSONS ON THE COMTEE FOR BURNING BILLS.

*Ordered* that Mr Gibbs Col<sup>o</sup> Richards Mr Donne Mr Hunt and Coll<sup>o</sup> Winslow be of the Comm<sup>ee</sup> to take an Acc<sup>t</sup> and burn the Bills in the Treasury in the room of Cap<sup>t</sup> Ruggles Col<sup>o</sup> Otis Mr Tyng Cap<sup>t</sup> Kent and Col<sup>o</sup> Porter Who desire to be Excused from that Service. [Passed November 30.]

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## CHAPTER 65.

### ORDER ACCEPTING REPORT OF COMMITTEE TO FARM EXCISE IN BARNSTABLE COUNTY AND ALLOWING £3.1 EXPENSES THEREON.

Legislative Records of the Council, xix., 485. Mass. Archives, cxix., 503.  
House Journal, p. 50. Ante, p. 636, chap. 15.

A REPORT of the Com<sup>tee</sup> appointed to let out to Farm the Excise of Wines, Liquors &c in the County of Barnstable<sup>1</sup> shewing that they have let out the same for one Year to Solomon Swift for £117.12.8 & have taken Bonds & lodged them with the Treasurer, Their Ac-compt of Time & Expence is £3.1/

Read and Accepted and the Acc<sup>t</sup> is allowed accordingly. [Passed November 30.<sup>2</sup>

<sup>1</sup> The House Journal, p. 50, after Barnstable, reads, "for the Year 1851."

<sup>2</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is December 5.

## CHAPTER 66.

## ORDER FOR ADJOUNG BRISTOL COUNTY COURTS.

WHEREAS by Law the Court of General Sessions of the peace and Inf<sup>r</sup> Court of Common pleas for the County of Bristol are to be held at Taunton on the Second Tuesday of December instant, and many Concerned in the Said Courts, are members of the General Court, which its probable will be Sitting at that Time Therefore

Legislative Records of the Council, xix., 480. Mass. Archives, xliii., 607.

*Ordered* that the Said Courts of General Sessions of the Peace and Inf<sup>r</sup> Court of Common pleas be, and they hereby are adjourned To the Last Tuesday of January next and all Officers & others Concerned in Said Courts are to Conform themselves Accordingly. And that all processes and other matters & things Depending in Said Courts and which are by Law to be heared Tried and proceeded upon at Said Term shall be heared Tried and proceeded upon on the Said Last Tuesday of January next and the Justices of Said Courts are hereby required to Conform themselves Accordingly.

House Journal, p. 52. Province Laws, iii., 64, chap. 32; 313, chap. 15; 664, note.

[Passed December 1.

## CHAPTER 67.

## ORDER IMPOWERING LYDIA SPEEN, INDIAN, TO SELL LAND.

A PETITION of Lydia Speen of Natick Indian Woman, praying for Liberty to sell some of her Lands in Natick for satisfying a Debt of Thirteen Pounds six shillings & eight Pence owing to her Mother by the Will of her Brother from whom she holds her Land.

Legislative Records of the Council, xix., 481. Mass. Archives, xxxii., 296.

Read and

Mass. Archives, xxxii., 297.

*Ordered* that the Prayer of the Pet<sup>n</sup> be Granted & the Petitioner (under the Direction of the Guardians of the Natick Indians) is allowed to sell so much of the Lands within Ment<sup>d</sup> as shall be Sufficient for the Purpose Mentioned in the Petition. [Passed December 1.

Legislative Records of the Council, xviii., 43. House Journal, pp. 163, 197 (January, 1746); p. 54.

## CHAPTER 68.

ORDER ALLOWING £5. 10 AND £4 ANNUALLY TO JON<sup>A</sup> STANHOPE.

A PETITION of Jonathan Stanhope of Sudbury, setting forth his distressed Circumstances by Reason of Wounds he received in the Service against the Indian Enemy & praying for some further Allowance for his Support.

Legislative Records of the Council, xix., 481. Mass. Archives, lxxiv., 82.

Read and it appearing that the Pet<sup>r</sup> has rec'd but forty Shillings for three Years past.

Mass. Archives, lxxiv., 81. House Journal, pp. 42, 43, 53. *Ante*, p. 503, chap. 24.

*Ordered* that He be allowed out of the publick Treasury five pounds ten Shill<sup>gs</sup> for his past Sufferings to this time.

And that He be allowed out of the publick Treasury a Pension of four pounds Annually till this Court shall otherwise Order. [Passed December 1.

## CHAPTER 69.

## ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF SUFFOLK COUNTY.

Legislative Records of the Council, xix., 482. Mass. Archives, cxlviii., 50.

House Journal, pp. 9, 40, 50.

AN ACCOMPT presented by Edward Winslow Esq<sup>r</sup> Treasurer of the County of Suffolk for the Year 1751, having been laid before the Court of General Sessions of the Peace for the said County & by them allowed

Read and

*Ordered* that the within Aec<sup>t</sup> be allowed and the Ball<sup>a</sup> thereof being twenty two pounds ten Shill<sup>gs</sup> and one farthing, And a further Sum of five pounds Eighteen Shillings yet unpaid on the last Grand Jurys Bill. The said Treasurer is further Accountable to said County for. [Passed December 1.

## CHAPTER 70.

## ORDER ALLOWING £8 TO PARTRICK BURN.

Legislative Records of the Council, xix., 482. Mass. Archives, lxxiv., 68.

Mass. Archives, lxxiv., 67. House Journal, pp. 49, 53. Ante, p. 431, chap. 58.

A PETITION of Partrick Burn, setting forth his Sufferings by Reason of Wounds received from the Enemy in the publick Service, & his disability to provide for himself, & praying for some further Allowance from this Court.

Read and it appearing that the Pet<sup>r</sup> has rec'd no Grant either the last or present Year,

*Ordered* that He be allowed the sum of Eight pounds out of the publick Treasury in consideration of his Sufferings within mentioned. [Passed December 1.

## CHAPTER 71.

## ORDER IMPOWERING SIMEON &amp; ABIGAIL SPAULDING, ADMINISTRATRIX. TO SELL AN ESTATE.

Legislative Records of the Council, xix., 482. Mass. Archives, xviii., 89.

Mass. Archives, xviii., 89. House Journal, pp. 49, 54. Province Laws, ii., 151, chap. 10.

A PETITION of Simeon Spaulding of Clemsford & Abigal his Wife (late Abigail Wilson) shewing that the said Abigal was impowered by the Justices of the Superior Court, to sell so much of the Land belonging to the Estate of her former Husband Samuel Wilson (who died Intestate) as should be sufficient to pay his Debts, which would take up all the Land, except the very Spot whereon the House stands which would thereby become of no Value whereas if the whole Real Estate were sold together it would produce considerably more therefore praying for Liberty to sell the whole,

Read and

*Ordered* that the Prayer of this Pet<sup>n</sup> be granted And that the Pet<sup>r</sup> (with his Wife Abigail) adm<sup>s</sup> &c be and hereby are impowered to make Sale of the Estate within mentioned in order to pay the Jnst Debts of the Dec'd. They observing the Law of the Province relating to the sale of real intestate Estates And giving Caution to the Judge of Probate for the County of Middlesex that the Overplus shall be duly applied as the Law directs. [Passed December 2.

## CHAPTER 72.

ORDER ACCEPTING THE REPORT OF THE COM<sup>TEE</sup> FOR BURN<sup>G</sup> BILLS OF CREDIT.

WE THE SUBSCRIBERS being appointed a Com<sup>tee</sup> of the General Court to repair to the Treasurers Office, to take an Accompt of the Province Bills in his Hands, have attended that Service & have rec<sup>d</sup> of M<sup>r</sup> Treasurer Foye Three Thousand six hundred & eighteen Pounds Old Tenor Bills, Five hundred & twenty Four Pounds Middle Tenor Bills, & Twelve Thousand two hundred & seventy two Pounds two Shillings, last Emission Bills, & have seen the same Consumed to Ashes.

Legislative Records of the Council, xix., 483. Mass. Archives, ciii., 53.

House Journal, p. 55. Ante, p. 649, chap. 51; p. 654, chap. 64.

Read and Accepted and  
Ordered that the Treasurer be discharged of the abovementioned Sums accordingly. [Passed December 2.]

## CHAPTER 73.

ORDER ON THE PETITION OF W<sup>M</sup> HODGE TO BE RESTORED TO CAP<sup>T</sup> BEANS MUSTER ROLL.

A PETITION of William Hodges shewing that while he was in the Service of this Province, in the Eastern Parts, he was taken sick & obliged to go to Tewksbury for the Recovery of his Health, during which Time he hired a Man to do his Service, notwithstanding which he was left out of the Muster Roll during his Sickness, praying that his Wages may be allowed

Legislative Records of the Council, xix., 484. Mass. Archives, ixxiv., 89.

Mass. Archives, lxxiv., 89. House Journal, pp. 53, 54.

Read and  
Ordered that the Prayer of this Pet<sup>n</sup> be so far granted as that Cap<sup>t</sup> Bean be directed to make him up in his next muster roll from the 15<sup>th</sup> of March last to the 15<sup>th</sup> of Sep<sup>t</sup> then next following in consideration of His Wages omitted in the last Roll. [Passed December 3.]

## CHAPTER 74.

ORDER DIRECTING THE TREAS<sup>R</sup> TO PREPARE BILLS FOR BURNING.

Legislative Records of the Council, xix., 484.

Ordered that the Treasurer be directed forthwith to prepare & take Account of all the Bills now in his Hands that they may be consumed to Ashes by the Com<sup>tee</sup> appointed by this Court for that Purpose. [Passed December 5.]

House Journal, p. 60. Ante, p. 649, chap. 51; p. 654, chap. 64.

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is December 5.

## CHAPTER 75.

## ORDER DIRECTING THE TREASURER TO RECEIVE PROVINCE BILLS OF CREDIT IN PAYMENT OF ALL TAXES.

Legislative  
Records of the  
Council, xix.,  
485.  
House Jour-  
nal, pp. 118, 119.

*Ordered* that the Treasurer be allowed & directed to receive the Bills of Credit on this Province for all Taxes that are now due to the said Province untill the tenth Day of June next. [Passed December 5.<sup>1</sup>

## CHAPTER 76.

## VOTE FOR ASSESSING, LEVYING AND COLLECTING A TAX OF ONE PENNY PER ACRE IN THE TOWNSHIP OF CHARLEMONT.

Legislative  
Records of the  
Council, xix.,  
466. Mass.  
Archives,  
cxvi., 194.  
  
Mass.  
Archives,  
cxvi., 193.  
House Jour-  
nal, pp. 29, 30,  
56.

A PETITION of Moses Rice for himself & divers others, Inhabitants & Settlers of a new Plantation in the Western Parts, commonly called Charlemont, sitting forth their great Discouragements by Reason of the greatest Part of the Proprietors neglecting to settle their Grants according to their Engagements, & praying that the Inhabitants may be impowered to Tax the Lands of the Non resident Proprietors, for defreying the publick Charges there

Read and

*Voted* that a Tax of one penny per Acre Lawful Money be laid upon all the lands in the withinnamed Township (the publick lands only excepted) for the space of three Years next to come, and that the Moneys so rais'd shall be improved for the following purposes Viz For finishing the Meeting House, already agreed and engag'd to be Sett up in Said Township. For Support of Preaching; Encouraging the building of Mills, and for Laying out and clearing High Ways and other Roads there, in such Manner and proportion as the Prop<sup>rs</sup> of the lands there shall Order and Determine, at their Meetings for such purposes called and held. And that the said Moses Rice call a Meeting of said Prop<sup>rs</sup> to be held in said Township at some reasonable future time (by Posting up Notifications of the time place and purposes of holding the same at said Charlemont and at Lancaster in the County of Worcester) And that the Prop<sup>rs</sup> so Met have power to Chuse a Clerk, Treasurer, Assessors and Collectors, and all Officers necessary for the Assessing Levyng and Collecting said Tax from time to time and to agree upon, and determine the Disposition of the money, rais'd by said Tax, as they shall See Meet, only for the purposes aforesaid; and to Agree upon any proper Method for calling Meetings for the future; The Votes always to be Collected according to the Majority of the Interest present.

And that in case any of the Prop<sup>rs</sup> of any of the Lands in said Township shall neglect to pay their proportion of such Tax as aforesaid, the said Lands shall be Subject to a Sale of so much thereof by the Assessors, as shall be sufficient to pay said Tax and Charges. The said Assessors Conforming themselves thereon to the Rules and Directions of the Laws of this Province respecting the Sale of the lands of Delinquent Proprietors in new Plantations. And that this Order be inserted in all the publick Prints

<sup>1</sup> In Legislative Records of the Council an order in the same words appears again of date January 5, and also of that date in the House Journal.

three Weeks successively Provided also the Pet<sup>r</sup>s bring forward their Settlem<sup>t</sup>s within three Years from this time. [Passed December 5.

## CHAPTER 77.

ORDER ALLOWING £72 TO THE COMMITTEE APPOINTED TO BORROW £18,600.

A MEMORIAL of Andrew Oliver Esq<sup>r</sup> for himself & Thomas Hubbard Esq<sup>r</sup> & M<sup>r</sup> Harrison Gray a Com<sup>tee</sup> appointed by this Court to give their Notes to such Persons as should lend Money to the Province; shewing that they have attended that Service & have compleated the Loan of £18,600 according to order, praying that this Court would make such Allowance out of the Treasury for their Service therein as they shall judge proper.

Read and

*Ordered* that the Sum of Seventy two pounds be allowed out of the publick Treasury to the within named Committee in consideration of the Service within mentioned. [Passed December 5.

Legislative Records of the Council, xix., 485. Mass. Archives, ciii., 51.  
Mass. Archives, ciii., 45–52. House Journal, pp. 49, 60, 61. *Ante*, p. 599, chap. 158.

## CHAPTER 78.

ORDER CONTINUING THE POWER OF THE INHABITANTS OF BEDFORD TO ASSESS TAXES AND IMPOWERING THEM TO CALL A TOWN MEETING.

A PETITION of the Inhabitants of a Township called Bedford within the County of Hampshire shewing that their Power to raise Taxes on the Lands there for defreying their publick Charges is now determined, tho' the Reason & Occasion for it remains, therefore praying that it may be renewed.

Read and

*Ordered* that the same Power with respect to the lands within mentioned that was granted the Pet<sup>r</sup>s by this Court on January 22 1745, and again renewed Dec<sup>r</sup> 15, 1749 be revived, and from the time the last Order of Court ended be further continued for the Space of three Years.

And that M<sup>r</sup> Phineas Pratt a Principal Inhabitant there be impowered to call the first Meeting. [Passed December 5.

Legislative Records of the Council, xix., 485. Mass. Archives, cxvi., 187.  
Mass. Archives, cxvi., 186. House Journal, pp. 42, 57. Province Laws, xiii., 533, chap. 179. *Ante*, p. 320, chap. 148.

## CHAPTER 79.

ORDER GRANTING 100 ACRES OF LAND TO MOSES RICE.

A PETITION of Moses Rice of Charlmont setting forth his Services & Sufferings in the late War with the Indian Enemy, praying for a Grant of Province Land in the County of Hampshire upon such Conditions & under such Restrictions as this Court shall judge fit

Read and in Answer to this Pet<sup>r</sup>

*Ordered* that there be granted to the Pet<sup>r</sup> His Heirs and Assigns

Legislative Records of the Council, xix., 485. Mass. Archives, cxxiv., 73.

Mass. Archives, ixxiv., 71; cxxiv., 22.

House Journal, pp. 51, 57.

forever One hundred Acres of the Unappropriated Lands in the County of Hampshire at the South End of Boston Township Number One, in consideration of His Services for the Government; and the Losses He Sustain'd as Sett forth in this Petition

And that the said Land be laid out at the Cost and Charge of the Petitioner by Joseph Wilder Jun<sup>r</sup> Esq<sup>r</sup> to prevent Damage being done to the Provincee land that shall be left. [Passed December 5.]

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## CHAPTER 80.

### VOTE APPOINTING A COMMITTEE TO SETTLE THE BOUNDARY LINE BETWEEN THIS GOVERNMENT AND THE GOVERNMENT OF NEW YORK.

Legislative Records of the Council, xix., 48s. Mass. Archives, cxvi., 231.

House Journal, pp. 43, 58.

In the House of Rep<sup>u</sup>bes

*Voted* that Col<sup>o</sup> Porter Col<sup>o</sup> Winslow and Capt Ruggles with such as the Hon<sup>ble</sup> Board shall appoint be a Comm<sup>ee</sup> to Project some proper Method for Ascertaining and Settling the West Line between this Government and the Government of New York and Report thereon as soon as may be The Pet<sup>ns</sup> to lie in the mean time for consideration

In Council.

Read & Concord and John Chandler & Thomas Hutchinson Esq<sup>r</sup>s are joined in the Affair. [Passed December 5.<sup>1</sup>]

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## CHAPTER 81.

### ORDER GRANTING TO BENJA WATERS LICENCE TO KEEP AN INN.

Legislative Records of the Council, xix., 490. Mass. Archives, cxxi., 292.

House Journal, p. 64.

A PETITION of Benjamin Waters of Salem shewing that he is lately removed into a House very commodious for entertaining Travellers, therefore praying that this Court would impower the Court of General Sessions of the Peace for the County of Essex to grant him a Licence.

Read and

*Ordered* that the Justices of the Gen<sup>l</sup> Sessions of the Peace for the County of Essex be allowed at their next Session to grant the Pet<sup>t</sup> a Licence to keep a House of publick Entertainment where he now lives (if they See cause) He first obtaining the approbation of the select Men of Salem for that purpose: the time for granting Licences being elapsed notwithstanding. [Passed December 5.<sup>2</sup>]

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is December 6.

<sup>2</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is December 7.

## CHAPTER 82.

ORDER IMPOWERING BENJ<sup>A</sup> & SARAH BEMIS TO SELL A RIGHT TO LAND AND MAKING PROVISION AS TO THE PROCEEDS.

A PETITION of Benjamin Bemis & Sarah his Wife, formerly Sarah Bright Widow of Henry Bright late of Watertown dee<sup>d</sup> shewing that the said Henry died seized of a Right of Land in a New Township called N 1. near Housatanack upon which the Petitioners have laid out considerable Charges but the Circumstances are such as make it absolutely necessary that the said Land should be sold, praying for Liberty to sell it.

Read and

*Ordered* That the Prayer of the Petition be granted; and the Petitioners are allowed to make Sale of the Land withinmentioned, and to execute, in due form of Law, a Deed for conveyance thereof to Such Person as Shall give most for the Same; the Produce thereof to be applied for the reimbursement of the Charges mentioned in the Petition, and Payment of Such Debts as are Still owing from the Estate of the Intestate; and the Remainder as follows Viz<sup>t</sup> the improvement of one third part thereof, to the withinnamed Sarah, for her Life; The other two thirds to the Guardian of the deceased's only Child, to be let out on interest, and what shall remain in the Guardians hands, upon the adjustment of Accounts pursuant to Law, to be paid unto the Said Minor, when of Age, or married, which Shall first happen:

Provided, before Such Sale be made, the Petitioners observe the Directions of the Law relating to Executors or Administrators Sale of Real Estates; and give Sufficient Security to the Judge for Probate of Wills &<sup>a</sup> for the County of Middlesex well and truly to apply the Produce afores'd for the purposes abovementioned; and that the Principal Sum allowed the Pet<sup>r</sup> Sarah, Shall, at her decease, revert to the right heirs of the Said dee'd; Also that the Guardian aforesaid give the like Scrutiny to the said Judge for the faithful discharge of Such Trust. [Passed December 6.

Legislative Records of the Council, xix., 486. Mass. Archives, xviii., 889.

Mass. Archives, xviii., 890. House Journal, p. 62. Province Laws, ii., 151, chap. 10; xii., 331, chap. 159.

## CHAPTER 83.

ORDER GRANTING TO WILL<sup>M</sup> RICE LICENCE TO KEEP AN INN.

A PETITION of William Read<sup>1</sup> of Sudbury shewing that he is situated upon a Country Road convenient for an Inn or Taverner where it is necessary & for which he has obtained the Approbation of the Select Men of his Town, & therefore praying that the Court of General Sessions of the Peace for the County of Middlesex may be impowered to grant him a Licence

Read and

*Ordered* that the Justices of the Gen<sup>l</sup> Sessions of the Peace for the County of Middlesex be allowed (if they See cause) to grant the Pet<sup>r</sup> a Licence to keep a Tavern the remaining part of the Year Provided the Pet<sup>r</sup> first procures the approbation of the select Men of said Town for that purpose, the time for granting Lieences being elapsed notwithstanding. [Passed December 6.

Legislative Records of the Council, xix., 488. Mass. Archives, cxii., 244.

Mass. Archives, cxii., 243. House Journal, p. 60.

<sup>1</sup> Mass. Archives, cxii., 243, reads "William Rice."

## CHAPTER 84.

Legislative  
Records of the  
Council, xix.,  
48s. Mass.  
Archives, xxi.,  
84.

House Jour-  
nal, p. 64.

ORDER ALLOWING £500 TO M<sup>R</sup> AGENT BOLLAN.

*Ordered* that the Sum of five hundred pounds Sterling be allowed and paid out of the publick Treasury to M<sup>r</sup> Agent Bollan, in order to Enable him to Sollicit the Affairs of this Province at the Court of Great Brittain He to be Accountable. [Passed December 7.

## CHAPTER 85.

ORDER ALLOWING £20 TO JER. POWELL ESQ<sup>R</sup>.

Legislative  
Records of the  
Council, xix.,  
48s.

House Jour-  
nal, pp. 40, 57.

A MEMORIAL of Jeremiah Powell Esq<sup>r</sup> shewing that he officiated as Sub Commissary in the Eastern Frontiers during the whole of the last War, for which he has had no Satisfaction, therefore praying that this Court would make him such Allowance for said Service as they shall think fit.

Read &

*Ordered* that the Memorialist be allowed out of the publick Treasury the Sum of Twenty Pounds in consideration of his Service (as Sub Commissary) above mentioned. [Passed December 7.

## CHAPTER 86.

## ORDER ESTABLISHING THE BOUNDARY BETWEEN BRIMFIELD AND WESTERN.

Legislative  
Records of the  
Council, xix.,  
48s. Mass.  
Archives,  
cxvi., 2<sup>o</sup>6.

Mass.  
Archives,  
cxvi., 2<sup>o</sup>4.  
Legislative  
Records of the  
Council, xix.,  
48s. House  
Journal, pp. 17,  
65.

A MEMORIAL of Noah Colton shewing that by Reason of a Controversy between the Towns of Western & Brimfield, the Petitioners dwelling House is challenged by both Towns, as lying within their Respective Bounds, by which means he has been taxed for his Poll & Personal Estate to both Towns praying that this Court would give Orders for adjusting the dividing Line between the said Towns that so the Memorialist may be freed from the Burthen of paying double Taxes,

Read together that the Answer of the Town of Western, & it appearing that the Town of Brimfield have been duly notified of the Contents thereof, & not having given in Answer, Therefore

*Voted* that the dividing Line between the s<sup>d</sup> Towns of Brimfield & Western be a Right Line from a Station on the Line of the Town of Brookfield half a Mile North of the South West Corner of said Township to a certain split Rock at Chieobee River that has a Walnut Staddle growing out of it, & w<sup>ch</sup> has been reputed the Boundary between said Towns at said River; and further that the whole of the Farm mentioned in s<sup>d</sup> Memorial, & now in the Occupation of Josiah Woods be annexed to & for the future esteemed as part of the Town of Western and that the Occupant thereof shall be obliged to do duty & receive Privileges in said Western as other the Inhabitants of said Town. [Passed December 7.

## CHAPTER 87.

ORDER ALLOWING £5 AND A FURTHER ALLOWANCE OF £5 ANNUALLY TO BENJ<sup>A</sup> LOVELL.

A PETITION of Benjamin Lovell shewing that while he was in the Service of the Province he received a Shot in his Right Foot, by which Means it is likely he will always be a Cripple, praying for some further Allowance from this Court.

Read and

*Ordered* that the Pet<sup>r</sup> be allowed out of the publick Treasury the Sum of five pounds for his present Support. And that a Pension of five pounds be allowed annually to the Petitioner in consideration of his Sufferings within mentioned until this Court shall otherwise Order. [Passed December 7.]

Legislative Records of the Council, xix., 489. Mass. Archives, lxxiv., 80.

Mass. Archives, lxxiv., 79. House Journal, pp. 60, 63. *Ante*, p. 38, chap. 310.

## CHAPTER 88.

ORDER ALLOWING £80 TO HUMPHREY SCAMMON.

A PETITION of Humphrey Scammon of Kittery Shewing that in Novem<sup>r</sup> 1748 his House was burnt down, & therein above £1,400 in Bills of this Province (according to the Old Tenor) & Bills of other Colonies wholly consumed & he has great Reason to apprehend that the greatest Part were of this Province, praying that he may be reimbursed the like Value out of the publick Treasury.

Read & the Pet<sup>r</sup> having made Oath that of the Sum burnt, two hundred Pounds Old Tenor was wholly of this Province Bills in distinct Bundles, and it appearing highly probable by the Oath of the Pet<sup>r</sup> & the Declaration of Two Gentlemen of Character that a Considerable Proportion of the Thirteen Hundred Pounds Old Tenor was of Bills of this Province also,

*Ordered* that the Pet<sup>r</sup> be allowed out of the publick Treasury the Sum of Eighty Pounds of Province Bills in consideration of his Loss within mentioned. [Passed December 7.]

Legislative Records of the Council, xix., 489.

Mass. Archives, lxxxvii., 68. House Journal, pp. 53, 61, 65.

## CHAPTER 89.

ORDER IMPOWERING EBENEZER HARRIS AND LYDIA HIS WIFE TO SELL LAND AND MAKING PROVISION AS TO THE PROCEEDS.

A PETITION of Ebenezer Harris of Lancaster & Lydia his Wife, shewing that her late Husband Ezekiel Wallingford was slain by the Enemy in the late War, that he died seized of a Right in the Township of Paquoig, that his Debts considerably exceeded his personal Estate, therefore praying that the said Land may be sold for the Payment of his Debts & the Bringing up of his Children

Read and

*Ordered* that the within named Ebenezer and Lydia be and they hereby are impowered to make Sale of the lands within mentioned and to Execute in due form of Law a Deed or Deeds of Convey-

Legislative Records of the Council, xix., 489. Mass. Archives, xviii., 907.

Mass. Archives, xviii., 906. House Journal, pp. 58, 62. 63. Province Laws, ii., 151, chap. 10.

ance thereof to such Person or Persons as shall give most for the same. Provided they give Bond to the Judge of Probate for the County of Worcester that the produce thereof (after the payment of Debts and Taxes due thereon) be applyed to the benefit of the within named Wallingford's Children according to Law; and observing the directions of the Law respecting the Sale of real Estates. [Passed December 7.]

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## CHAPTER 90.

### ORDER IMPOWERING CAPT. JOSEPH JACKSON, EXECUTOR, TO FILE A COMPLAINT.

Legislative Records of the Council, xix., 486. Mass. Archives, xliii., 621.

Mass. Archives, xliii., 620. Legislative Records of the Council, xix., 491. House Journal, pp. 58, 71.

A PETITION of Joseph Jackson Executor of the last Will & Testament of Thomas March late of Boston Dec<sup>d</sup> praying for Liberty to file his Complaint in the Superiour Court now sitting in Boston (which by Mistake he omitted to do in the proper Season) against Mess<sup>rs</sup> Gerrish & Barrell for not prosecuting an Appeal from a Judgm<sup>t</sup> obtained against them in the Inferiour Court.

Read together with the Answer of John Barrell; And the Matter being duly considered,

*Ordered* that the Prayer of the Petition be granted; And the Petitioner is accordingly impowered to file his Complaint at the Superior Court of Judicature now sitting at Boston; And the Justices of the said Court are impowered to proceed thereon in manner as if it had been filed in the usual time. [Passed December 8.]

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## CHAPTER 91.

### ORDER APPOINTING A COMMITTEE ON THE PETITION OF JONAS WOODWARD IN REGARD TO A SALE OF PROVINCE LAND.

Legislative Records of the Council, xix., 491. Mass. Archives, xlvi., 266.

House Journal, p. 47.

A PETITION of Jonas Woodward of Worcester shewing that there is a peice of Province Land bordering on the Petitioners Farm which is too small to make a Settlement being but about Thirty Acres praying that this Court would appoint a Com<sup>tee</sup> to view & value the said Land & to sell it to the Petitioner for such Sum as they shall judge Reasonable

In the House of Rep<sup>ues</sup>

Read and in Answer hereto

*Ordered* that Capt Wilder and Mr Witt with such as the Hon<sup>ble</sup> Board shall Joyn be a Comm<sup>ee</sup> to inquire into the circumstances of the Land abovementioned and (if it belongs to the Province) They are hereby Impowered to Sell the same to the best advantage that may be, and make report of their doings to this Court

In Council Read & Coneurd & John Chandler jun<sup>r</sup> Esq<sup>r</sup> is joined in the Affair. [Passed December 8.]

## CHAPTER 92.

ORDER ALLOWING £3. 10 AND A FURTHER ALLOWANCE OF £3. 10 TO JOHN ARMES.

A PETITION of John Armes of Deerfield shewing that he has for many Years past rec'd a Pension out of the publick Treasury in Consideration of his Wounds received in the publick Service but of late Years he has had Nothing & what he had received for divers Years before was sunk in the Value by Means of the Depreciation of the Bills of Credit, praying for a proper Allowance in Consideration thereof

Read and it appearing that the Pet<sup>r</sup> has not rec'd any part of his Pension since July 1745.

Ordered that He be allowed to be paid out of the publick Treasury three pounds ten Shillings a Year for the last Seven Years. And that the like sum of three pounds ten shillings be allowed out of the publick Treasury to the Pet<sup>r</sup> annually during his Natural Life.  
[Passed December 8.]

Legislative Records of the Council, xix., 491. Mass. Archives, lxxiv., 84.

Mass. Archives, lxxiv., 83. House Journal, pp. 46, 72, 73. Province Laws, x., 37, chap. 77.

## CHAPTER 93.

ORDER IMPOWERING ESTHER MUZZY, ADMINISTRATRIX, TO RECONVEY AN ESTATE.

A PETITION of Esther Muzzy of Lexington, shewing that her late Husband Amos Muzzy took a Deed of a House & Land with Defeazance of Eleazer Russell of Bolton, the said Muzzy obliging himself to reconvey the Premisses upon the said Russells paying him £500 Old Tenor at the Expiration of one Year that her said Husband died before the Year expired, by which Time the said Russell had his Money ready & is now ready to pay the Same, praying that the Pet<sup>r</sup> may be impowered to reconvey the said Estate upon payment of the Sum aforesaid

Read and

Ordered that the Prayer of this Pet<sup>n</sup> be granted and the Pet<sup>r</sup> is hereby Impowered in her Capacity as Adm<sup>x</sup> to reconvey a proper Title of the Premisses within mentioned to the said Eleazar Russell; and to receive the five hundred pounds Old tenor, with the Interest of the abovenamed Russell.

Provided She first give sufficient Bond to the Judge of Probate for the County of Middlesex to be accountable for the same according to Law. [Passed December 8.]

Legislative Records of the Council, xix., 491. Mass. Archives, xviii., 901.

Mass. Archives, xviii., 900. House Journal, pp. 66, 72.

## CHAPTER 94.

ORDER DIRECTING THE TREASURER TO DELAY ISSUING EXECUTIONS FOR TAXES AGAINST THE INHAB<sup>TS</sup> ON WARE RIVER.

A PETITION of the Inhabitants of the Parish in the County of Hampshire commonly called Ware River, setting forth the Barreness of their Soil & their extream Poverty praying to be released from the Province Tax laid on them,

Legislative Records of the Council, xix., 492. Mass. Archives, xiii., 334.

Mass.  
Archives, xiii.,  
333. House  
Journal, pp. 59,  
71.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be so far granted as that the Treasurer be and he hereby is directed to delay sending out his Executions ag<sup>t</sup> the Collector or Collectors of the within mentioned Inhabitants until the further Order of this Court. [Passed December 8.]

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## CHAPTER 95.

### ORDER GRANTING TO THOS BAILEY LICENCE TO KEEP AN INN.

Legislative  
Records of the  
Council, xix.,  
492. Mass.  
Archives, cxii.,  
246.

Mass.  
Archives, cxii.,  
245. House  
Journal, p. 73.

A PETITION of Thomas Bailey of Boston shewing that the last Winter he removed into a House commonly known by the Name of the blue Anchor with an Intention to Continue a Tavern there, but was obliged to remove by Reason of the Small Pox, & could not attend the Court for taking out his Licence Praying that the said Court of General Sessions of the Peace for the County of Suffolk may be impowered at their next Term to grant him a Licence

Read and

*Ordered* that the Justices of the Gen<sup>l</sup> Sessions of the Peace for the County of Suffolk be allowed (if they See cause) to grant the Pet<sup>r</sup> a Licence to keep a Tavern Provided the Pet<sup>r</sup> first obtain the Approbation of the Select Men of Boston for that purpose the time for granting Licences being elapsed notwithstanding. [Passed December 8.]

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## CHAPTER 96.

### ORDER IMPOWERING THE INHABITANTS OF THE WARE RIVER PLANTATION TO CALL A MEETING OF THE PROPRIETORS TO EXCUSE THE PRESENT COLLECTORS OF TAXES, AND CHOSE NEW COLLECTORS.

Legislative  
Records of the  
Council, xix.,  
492. Mass.  
Archives, cv.,  
415.

House Jour-  
nal, pp. 56, 72.  
*Ante*, p. 514,  
chap. 267.

A PETITION of the Inhabitants of the Plantation called Ware River shewing that the Persons chosen last March as Collectors of Taxes, by Reason of Alteration in their Circumstances since their choice are not altogether suitable for that Trust, Therefore praying to be enabled to make a new Election

Read and

*Ordered* that the present Comm<sup>ee</sup> of said Parish be and they hereby are enabled and directed to call a meeting of the said Inhab<sup>t</sup>s for the purposes abovementioned as soon as may be. And that the Inhab<sup>t</sup>s so Met shall have full Power to Excuse the present Collectors there from the said Office, and to Choose other meet Persons in their room to Serve in said Office for the present Year; Who shall have the same Power and Authority When they have accepted said Office, and be Subjected to the like Penalty if they refuse the same, as they would have been by Law, if Chosen in the Month of March. [Passed December 8.]

## CHAPTER 97.

ORDER IMPOWERING ISRAEL MEAD AND SARAH MEAD, ADM<sup>X</sup>, TO SELL REAL ESTATE AND MAKING PROVISION AS TO THE PROCEEDS.

A PETITION of Sarah Mead shewing that in the Settlement of the Estate of her former Husband Edward Richardson late of Dracut dec<sup>d</sup> half a dwelling House & Land in said Town was assigned her for Dower, but for as much as she is now removed to Lexington where she can't take the necessary Care of it, praying that she may be allowed to sell it, & Convert it into Money for her own Benefit & the Benefit of the Creditors to said Estate after her Decease.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be so far granted as that the within named Israel and Sarah his Wife be and they hereby are Impowered to make sale of the Premisses within mentioned, and to make and execute a good and sufficient Deed or Deeds of Sale for the same. They observing the directions of the Law respecting the Sale of Intestate Estates. The produce of said Sale to be applyed for the Use and Benefit of the within named Sarah during her natural Life.

They giving sufficient Security to the Judge of Probate for the County of Middlesex that the money arising by said Sale shall after the Decease of the said Sarah be applyed for the payment of the Just Debts of the said Dec<sup>d</sup> agreeable to Law. [Passed December 8.

Legislative Records of the Council, xix., 492. Mass. Archives, xviii., 905.

Mass. Archives, xviii., 904. House Journal, pp. 66, 69. Province Laws, ii., 151, chap. 10.

## CHAPTER 98.

ORDER GRANTING TO BRIANT MORTON LICENCE TO KEEP AN INN.

A PETITION of Briant Morton of Goreham Town in the County of York shewing that he lives upon a Road where there is great need of a House for Entertainment of Travellers which he is persuaded to Undertake, if he may obtain a Licence Therefore praying that the Court of General Sessions for the County of York may be impowered to grant him a Licence

Read &

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted & that the Justices of the Gen<sup>l</sup> Sessions of the Peace for the County of York be allowed (if they see cause) to grant the Pet<sup>r</sup> a Licence to keep a Tavern the remaining part of the Year Provid<sup>d</sup> the Pet<sup>r</sup> first procure the approbat<sup>n</sup> of the Select Men of the Town of Falmouth for that purpose, the Time for granting Licences being elapsed notwithstanding. [Passed December 8.

Legislative Records of the Council, xix., 493. Mass. Archives, cxii., 250.

Mass. Archives, cxii., 251. House Journal, p. 73.

## CHAPTER 99.

ORDER ERECTING A PART OF THE 2<sup>ND</sup> PARISH IN IPSWICH INTO A SEPERATE PRECINCT.

Legislative  
Records of the  
Council, xix.,  
493. Mass.  
Archives, xiii.,  
336.

Mass.  
Archives, xiii.,  
335-341. House  
Journal, pp. 65,  
69. Province  
Laws, v., 536,  
note.

A MEMORIAL of a Com<sup>tee</sup> for the Society under the Pastoral Care of the Reverend M<sup>r</sup> Cleavland, in the second Parish in Ipswich called Chebacco, shewing that they are come to an Agreement with the standing part of the Parish, that the said Society should be Erected into a seperate Parish, praying that this Court would set them off as a Parish accordingly

Read and

*Ordered* that the Prayer of the Pet<sup>r</sup> be granted And that the Pet<sup>rs</sup> being fifty Seven<sup>1</sup> in Number, with their Families and Estates be and they hereby are made a Distinct and Seperate Precinct (The second Parish in Ipswich having expressed their willingness) And that they be and hereby are Endued with all the Priviledges which other Precinets in this Province do Enjoy. [Passed December 8.

## CHAPTER 100.

## ORDER IMPOWERING JOHN CURTIS ATTY. FOR DIVERS INDIANS, TO SELL LAND AND MAKING PROVISION AS TO THE PROCEEDS.

Legislative  
Records of the  
Council, xix.,  
493. Mass.  
Archives,  
xxxii., 318.

Mass.  
Archives,  
xxxii., 317.  
House Jour-  
nal, pp. 60, 70.

A PETITION of John Curtis Attorney to Martha Bowman (an old infirm Indian Woman) & Samuel Bowman her Son both of Worcester, Joseph Pegan & his Wife, of Dudley, Zachariah Equi & Betty his Wife, of Sturbridge (the said Martha & Betty Being Daughters of the said Martha Bowman,) & also in Behalf of Benjamin Wiser a Minor, Grandson of the said Martha, shewing that the said Indians are Heirs to sundry small Tracts of Land in Natick containing about Fifty Acres in the whole, which are of no Profit as they ly. Therefore Praying that they may be sold for the Benefit of the Indians concerned:

Read and

*Ordered* that the Pet<sup>r</sup> with others here in named be and they hereby are impowered (with the Advice and assistance of Ephraim Curtiss Esq<sup>r</sup>,) to make Sale of the within mentioned fifty Acres of Land and to Execute a good and sufficient Deed or Deeds for conveying the Same to such Person or Persons as will give most for the same. And that the Proceeds shall be disposed of by the above named Ephraim Curtiss according to their several rights in the Land. [Passed December 8.

## CHAPTER 101.

ORDER FOR ADJOURN<sup>G</sup> PLYMOUTH COUNTY COURTS.

Legislative  
Records of the  
Council, xix.,

WHEREAS by Law the Court of General Sessions of the Peace and Inf<sup>r</sup> Court of Common Pleas for the County of Plymouth are

<sup>1</sup> A list of the names of the persons may be found in Mass. Archives, xiii., 341.

to be Held at Plymouth on the Third Tuesday of December Inst and Many Concerned in Said Courtes are Members of the General Court which Its Probable will be Sitting at that time Therefore

*Ordered* that the Said Courtes of Generall Sessions of the Peace and Infr Court of Common pleas be and they hereby are adjourned to the first Tuesday of March Next and all officers and Others Concerned in Said Courtes are to Conform themselves Accordingly and all Processes and Other Matters & things Depending in Said Courtes and Which are by Law to be heard Tried and Proceeded upon at Said Term Shall be heard Tried and proceeded upon on the Said First Tuesday of March Next and the Justices of Said Courtes are hereby required to Conform themselves Accordingly. [Passed December 11.

495. Mass.  
Archives,  
xliii., 628.

House Jour-  
nal, pp. 75, 76.  
Province  
Laws, iii., 64,  
chap. 32.

## CHAPTER 102.

### ORDER IMPOWERING MARY SMITH, ADM<sup>X</sup>, TO EXECUTE A LEASE OR CONVEYANCE OF LAND.

A PETITION of Mary Smith Widow & Administratrix of the Estate of Oliver Smith late of Upton Dece<sup>d</sup> sheweth that her said Husband became in his Life time bound in the Sum of Fifty Pounds to procure to Israel Taft a long Lease of Fifty Acres of Land in Upton aforesaid, which his Son Israel Taft jun<sup>r</sup> was then in Possession of but died before he accomplished it, therefore praying that she may be impowered to make the said Lease according to his Engagem<sup>ts</sup>

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted And that the Pet<sup>r</sup> be allowed and She is hereby impowered in her abovesaid Capacity to make and execute a good and Lawful Lease or Conveyance of the said fifty Acres of Land to the abovenamed Israel Taft agreeable to Hopkinston Leases as abovementioned. [Passed December 11.

Legislative  
Records of the  
Council, xix.,  
496. Mass.  
Archives,  
xviii., 880.

House Jour-  
nal, pp. 60, 76.

## CHAPTER 103.

### ORDER ALLOWING £20 TO LAZARUS NOBLE & BENJAMIN MITCHELL.

A PETITION of Lazarus Noble & Benjamin Mitchell shewing that they have Children that were Captivated & are in the Hands of the Indians, that they are now going to Canada to redeem them, that they are very unable to bear the Charge of it, Praying that this Court would allow the Charge of an Interpreter, to go with them (which is necessary) or otherwise provide for their Relief

Read and

*Ordered* that the Prayer of this Pet<sup>n</sup> be so far granted as that the Pet<sup>r</sup>s be allowed out of the publick Treasury Twenty pounds in order to Enable them to procure an Interpreter for the purpose within mentioned Provided they proceed to Canada for the redemption of the Children within named. [Passed December 11.

Legislative  
Records of the  
Council, xix.,  
496. Mass.  
Archives,  
lxix., 70.

Mass.  
Archives,  
lxxiv., 69.  
House Jour-  
nal, pp. 36, 74.

## CHAPTER 104.

## ORDER ACCEPTING THE REPORT ON THE REMONSTRANCE OF THE SALEM ASSESSORS.

Legislative  
Records of the  
Council, xix.,  
479, 497.

Legislative  
Records of the  
Council, xix.,  
496. House  
Journal, pp. 51,  
72, 75. Prov.  
ince Laws, iii.,  
626, chap. 8.

A REMONSTRANCE of the Major Part of the Assessors of the Town of Salem setting forth the Difficulties they are under for apportioning the Tax laid on Salem for the Province (inclnding the District of Danvers) praying that their Assessment of the Sum of £481 on the old Town of Salem as their part of the whole Tax of £746.1.2 may be confirmed by this Court

The Com<sup>tee</sup> to whom was refer'd the Remonstrance of the Major part of the Assessors of the Town of Salem, with the Answer of Danvers thereto, have fully heard the Parties; Report that the Province Treasurer issue forth Warrants to the Constables of the Town of Salem for collecting the Sume of £481.0.6 agreeable to the late Assessments made by the Assessors of Salem. That the Assessors of Danvers forthwith assess the Sum of £248.13.8 on the Polls & Estates there, being as the Com<sup>tee</sup> apprehends an Equitable Proportion of the Sum of £746.1.2 the Tax laid on Salem & Danvers this present Year. That the Assessors of Salem assess the Polls & Estates of said Town the further Sum of £16.7 & commit Lists thereof to their Constables &c<sup>a</sup> to be paid into the Treasury unless the Town of Salem, forthwith take effectual Care for the Payment thereof without making a distinct Assessment for the Same, which Sum of £16.7 with the aforesaid Sums compleat the Tax of £746.1.2

The Com<sup>tee</sup> are also of opinion that for the future & untill the Court shall further Order, The Town of Salems Proportion of the Province Tax &c to £1,000 shall be £17.10 & Danvers Proportion £8.15.2 in all £26.5.2 which is agreeable to the proportion settled by the last Valuation.

All w<sup>ch</sup> is humbly Submitted

Per Order of the Com<sup>tee</sup>

J. CHANDLER

Read &

*Ordered* that this Report be accepted, & that the Parties conform themselves accordingly. [Passed December 12.]

## CHAPTER 105.

ORDER GRANTING TO BENJ<sup>A</sup> HATCH LICENCE TO KEEP A TAVERN.

Legislative  
Records of the  
Council, xix.,  
498. Mass.  
Archives, exi.,  
249.

Mass.  
Archives, exi.,  
247. House  
Journal, p. 79.

A PETITION of Benjamin Hatch of Boston shewing that he has for divers Years been licenced to keep a Tavern there & has had the Approbation of the Select Men for this Year, but was obliged with his Family to remove because of the Small Pox & thereby was hindred from taking out his Licence, praying that the Court of Sessions may be impowered to renew his Licence at their next Term

Read and

*Ordered* that the Justices of the Gen<sup>l</sup> Sessions of the Peace for the County of Suffolk be allowed (if they See cause) to grant the Pet<sup>a</sup> a Licence to keep Tavern &c the remaining part of the Year Provided He first obtaine the Approbation of the select Men of the Town of Boston for that purpose. The time for granting Licences being elapsed notwithstanding. [Passed December 12.]

## CHAPTER 106.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE FOR FARMING EXCISE IN THE COUNTY OF HAMPSHIRE, AND ALLOWING 6/ EACH FOR EXPENSE THEREOF.

REPORT of the Com<sup>tee</sup> appointed to let out to Farm the Excise of Wine; Rum & other distilled Liquors &c. for the County of Hampshire, shewing that they have let out the Same to Noah Ashley Esq<sup>r</sup> for the Sum of £154 & have taken Bond & lodged it with the Treasurer; their Accompt of Charge being 6/ each.

Read &

*Ordered* that this Report be accepted & that the Com<sup>tee</sup> be allowed Six Shillings each for their Service accordingly. [Passed December 12.]

Legislative Records of the Council, xix., 498.  
House Journal, p. 79.  
*Ante*, p. 635, chap. 12.

## CHAPTER 107.

ORDER ALLOWING £4 TO MOSES HOYT.

A PETITION of Moses Hoyt a Soldier in the late Expedition to Cape Breton shewing he remains a Cripple by the Wounds he received in that Service, therefore praying for the further Com-passionate Consideration of this Court,

Read and

*Ordered* that the Pet<sup>r</sup> be allowed to be paid out of the publick Treasury (to be delivered for his Use to Cap<sup>t</sup> Benj<sup>a</sup> Kent) the Sum of four pounds in consideration of his Sufferings within-mentioned. [Passed December 12.]

Legislative Records of the Council, xix., 498. Mass. Archives, Ixxiv., 90.

Mass. Archives, Ixxiv., 90. House Journal, pp. 78, 79.

## CHAPTER 108.

ORDER CONFIRMING A PLAT OF 200 ACRES OF LAND TO CAPT. EPH. WILLIAMS.

A PLAT of Two hundred Acres of Land laid out at Hoosuck by Elisha Hawley Surveyor & Chain Men upon Oath, to fulfill a Grant made by the General Court to Capt Ephraim Williams, Ten Acres thereof reserved to the Province.

Read and

*Ordered* that the within Plan be accepted and the land herein delineated and described be and hereby is confirmed to the within named Cap<sup>t</sup> Ephraim Williams His Heirs and Assigns forever. Provided the land exceeds not the quantity of the Grant, and does not interfere with any former Grant. Provided also that the Grantee always keeps an open way two Rods wide on the northerly side of the said Fort leading towards Albany. [Passed December 12.]

Legislative Records of the Council, xix., 498. Maps and Plans, xxxv., 6.

House Journal, p. 80.  
*Ante*, p. 497, chap. 224.

## CHAPTER 109.

Legislative  
Records of the  
Council, xix.,  
490, Mass.  
Archives,  
xlix., 350.  
House Jour-  
nal, p. 80.

## ORDER ALLOWING £6. 13. 4 TO MOSES DESHON.

*Ordered* that the Sum of Six pounds thirteen Shillings and four pence be allowed and paid out of the publick Treasury to Moses Deshon in consideration of the Arms of the Colony, which He has Carved and put up in the House of Rep<sup>ves</sup>. [Passed December 13.

## CHAPTER 110.

## VOTE FOR CALLING A TOWN MEETING AT BLANFORD, AND CONFIRMING PROCEEDINGS OF MEETING ALREADY HELD.

Legislative  
Records of the  
Council, xix.,  
490, Mass.  
Archives,  
cxvi., 184.

Mass.  
Archives,  
cxvi., 182, 183.  
House Jour-  
nal, pp. 28, 81,  
82. Province  
Laws, ii., 181,  
chap. 6.

WHEREAS The Town officers that were chosen in the Town of Blanford in the County of Hampshire in the year 1751, omitted taking the Oath prescrib<sup>d</sup> by the Law of this province of the 22<sup>d</sup> year of his Majesties Reign respecting Bills of Credit of the Neighbouring Governm<sup>ts</sup> and So tho they Entred upon the Execution of their respective Offices yet all their Doings therein were illegal & unwarrantable & in Consequence thereof the Collectors to whom the Assessments were comitt<sup>d</sup> that were made in said Town in s<sup>d</sup> Year are unable to collect the same, & they remain most of them yet unpaid to the great Disadvantage of said Town & Injury to the Province Therefore

*Voted* That David Moseley Esq<sup>r</sup> of Westfield be & hereby is impowered to issue his Warrant under his Hand & Seal directed to some principal Inhabitant of said Town of Blandford requiring Him to Notify said Town to meet together at such Time & Place as shall be set forth in said Warrant to choose all such Officers as shall by said Town then be thot proper & Necessary to do all such Acts as should have been done by the Town Officers in S<sup>d</sup> Town in the year 1751. & particullarly to choose some proper persons to be Assessors of the several Sums set upon said Town by the Gen<sup>l</sup> Assembly as their Proportion of the Province Tax for s<sup>d</sup> year or granted by said Town for defreying their Just Debts among themselves & also to choose Collectors to collect the same, & the said Town so met Shall have Power to Choose all such Officers, & the Officers so chosen shall have all The Powers & Authorities that such Officers in other Cases by Law have: they Qualifying themselves according to Law, and all such Officers so Chosen refusing to serve shall be respectively subject<sup>d</sup> to the Like Penalty as they Would by Law have been Subject<sup>d</sup> to on their Refusal to serve if Chosen in the Month of March

And That All Assessments that shall be made (by Assessors so chosen & qualified as afores<sup>d</sup>) of the several sums Either set on said Town as their Proportion of the Province Tax or granted and agreed on by said Town for defreying their own Charges among Themselves for s<sup>d</sup> year shall be held good & Valid to all Intents and Purposes provided the said Assessments be made agreeable to the Law in other Respects, And that all Persons assess<sup>d</sup> as aforesaid shall be oblig<sup>d</sup> to pay their Proportionable Parts of such Assessm<sup>ts</sup> accordingly, saving That such Persons in said Town as have paid the Sums that they were Assessed by the Assessors in said Town in 1751, shall

have so much allowed them out of the Assessm<sup>t</sup> hereby propos<sup>d</sup> to be made, & the Collectors shall credit Each of such persons So much on Receipt thereof produc<sup>d</sup> to them under the Hand of the Town Clerk of said Town or of the Constable or Collector that was chosen there in said year & rec<sup>d</sup> the Same saving also to all Persons So Assess<sup>d</sup> Liberty of Appeal to the Court of Gen<sup>l</sup> Sessions of the Peace as by Law in other Cases is provided

And Whereas The Select Men of said Blanford for s<sup>d</sup> year 1751. & who made out the Warrant for calling the Meeting of the Inhabitants of said Town in March Last for the Choice of Town Officers never qualifying Themselves for Acting in said Office by taking said Oath as afores<sup>d</sup> The Legality of the Proceedings of the Town at said Meeting & the Authority of the Town Officers then chosen for the present year (notwithstand<sup>g</sup> they took said Oath) is justly doubted Therefore Further

*Voted* That the said Meeting in said Town in March 1752. be held Valid and That the Several Officers then Chosen to the Several Offices in said Town be and hereby are enabled to act in Every thing touching their Respective Offices & that all their past Doings in said Offices be held good & Valid to all Intents and purposes as if the said Select Men had taken said Oath when they were Chosen. [Passed December 13.

## CHAPTER 111.

### RESOLVE CONFIRMING THE PROCEEDINGS OF TOWN MEETINGS AT MIDDLETON.

A PETITION of the Agents of the Town of Middleton in the County of Essex setting forth the Defects & want of Form in their calling their anniversary Meetings in March 1750, & 1752, & other Imperfections in the Proceedings of the Meetings & of the Officers chosen, praying for some Relief from this Court from Difficulties arisen in said Town by these Mistakes.

Legislative Records of the Council, xix., 500. Mass. Archives, exvi., 198.

Mass. Archives, cxvi., 197. House Journal, pp. 40, 53. 82, 83.

Read and Inasmuch as it appears that the Select Men of the Town of Middleton in making out their Warrants for calling the two Town Meetings in March Viz. in the Years 1750 and 1752 did not affix their Seals to either of the said Warrants. And the Assessors chosen at said Meetings did also neglect to Seal their Warrants for Collecting the Town and County Rates. And the Word Essex in the last mentioned Warrant was mispell'd together with some other imperfections in said Meetings, by means whereof some disputes have arisen and many more may, if not prevented. Therefore

*Resolved* that the Warrants of the said Select Men for calling the said Town Meetings and the Warrants of the aforesaid Assessors shall be held good and valid to all intents and purposes, as if the said imperfections had not hapned. And that the several Persons and Officers Chosen at said Meetings Conform thereto accordingly. [Passed December 13.

## CHAPTER 112.

ORDER IMPOWERING EBEN<sup>SE</sup> JOHNSON TO BRING FORWARD A WRIT OF REVIEW.

Legislative  
Records of the  
Council, xix.,  
474. Mass.  
Archives,  
xliv., 107.

Mass.  
Archives,  
xlv., 103—107.  
Legislative  
Records of the  
Council, xix.,  
502. House  
Journal, pp. 35,  
36, 83.

A PETITION of Ebenezer Johnson of Woburn shewing that at an Inferior Court held at Charlestown in December 1750, Judgment went against him in an Action commenced by Seth Ross jun<sup>r</sup> of Billerica, & was affirmed at the Superior Court, that there was a Manifest Error in casting up the Debt, recovered to the Injury of the Petitioner £56.1.3 Old Tenor which the Petitioner by Reason of Sickness & thereby absence from Court, did not discover before the Jndgment was affirmed by the Superior Court & Execution thereupon issued. Praying for a new hearing at the Superior Court that so the Mistake abovementioned may be rectified,

Read with the Answer of Thomas Munroe; And the Matter being fully Considered

*Ordered* that the Pet<sup>r</sup> be impowered to bring his Writ of Review of the Action within Mentioned to the Superior Court of Judicature to be holden at Charlestown within & for the County of middlesex In January next; & the Justices of the said Court are hereby directed & impowered to hear & try the said Cause accordingly give Judgement therein & award Execution thereon. [Passed December 14.

## CHAPTER 113.

ORDER APPOINTING A COM<sup>TEE</sup> ON THE AFFAIR OF THE EASTERN INDIANS.

Legislative  
Records of the  
Council, xix.,  
502. Mass.  
Archives,  
xxxii., 321.

Legislative  
Records of the  
Council, xix.,  
373, 471. House  
Journal, p. 84.

In Council,  
*Whereas at the late Conference with the Eastern Indians at St Georges, they made Complaint respect<sup>g</sup> some Things which were doing above Richmond, whereupon the Commissioners promised that the Government would examine into them, and endeavor to give the Indians Satisfaction about them, when they should come to receive their Presents the next Year: And whereas divers Persons who are carrying on the Settlements refer'd to in said Compl<sup>t</sup> are now applying to this Court to have a Certain District thereabout erected into a Seperate County:*

*Ordered*, That John Cushing Andrew Oliver, & Stephen Sewall, Esq<sup>rs</sup> with such as the hon<sup>ble</sup> house shall join, be a Committee to inquire into the Grounds of this and other Complaints made by the Indians at said Conference, & that they give publick Notice in the Boston News Papers, that all persons claim<sup>g</sup> any right there, under Indian Titles, may bring in the Evidence thereof to the said Committee, who shall make Report to this Court at their Next Session.

In the House of Rep<sup>ves</sup>

Read and Concur'd, and M<sup>r</sup> Speaker Judge Russell Col<sup>o</sup> Buckminster and M<sup>r</sup> Gray are Joyned in the Affair. [Passed December 14.

## CHAPTER 114.

ORDER IMPOWERING JOS<sup>A</sup> BARKER, GUARDIAN, TO MAKE A SALE OF REAL ESTATE.

A PETITION of Josiah Barker of Pembrook Guardian of Ruth, Sarah & John Dwelley Minors Children of Joseph Dwelley late of Scituate Dec<sup>d</sup> shewing that it would be of great Use to the said Children to have the Real Estate of their said Father sold for Payment of the Debts &c, praying that this Court would give Orders for the Sale of the said Real Estate accordingly

Legislative Records of the Council, xix., 502. Mass. Archives, xviii., 903.

Read and

*Ordered* that the within named Josiah Barker be and he hereby is (in his Capacity) impowered to make sale of so much of the within named John's real Estate as will be Sufficient to pay the Sum of £16.4<sup>s</sup>.0<sup>d</sup> being the Debt withinmentioned. And so much of the within named Sarah's real Estate, as will be sufficient to pay the Sum of £10.17<sup>s</sup>.4<sup>d</sup> being a Debt also within mentioned. And so much of the real Estate of the within named Ruth, as will be sufficient to pay the Sum of £9.10.8<sup>d</sup> being a Debt likewise within mentioned, and to Execute a good Deed or Deeds thereof. Provided the Pet<sup>r</sup> observe the directions of the Law for the Sale of real Estates, And giving sufficient Caution to the Judge of Probate for the County of Plym<sup>th</sup> that the Proceeds arising by said sale be applyed to the payment of the Debts within mentioned. [Passed December 14.

Mass. Archives, xviii., 902. House Journal, pp. 78, 79, 80. Province Laws, ii., 151, chap. 10.

## CHAPTER 115.

## VOTE DIRECTING THE TREASURER OF THE PROVINCE TO SETTLE THE ACCOUNTS OF THE FARMERS OF EXCISE FOR THE COUNTY OF PLYMOUTH.

A PETITION of Joseph Joslyn of Hanover in the County of Plymouth Shewing that he was Farmer of the Excise of Strong Liquors &c. for the said County the four years last past, having Contracted for it for the whole Time, but is likely to be deprived of three Months Benefit of it for the last Year. Praying that this Court would take some Measures for his Relief.

Legislative Records of the Council, xix., 502. Mass. Archives, exix., 568.

Read and it appearing, that the last Commissioner of Excise appointed by this Court for the County of Plym<sup>th</sup> Collected the Excise up to September. And that the first Farmer Who Farm'd the Excise for that County althô by Law He should have Collected from June yet Collected only from Sep<sup>r</sup> to September following, which has been the Practice of that County ever since. And that the said Joselyn purchased the Excise for the last Year; and began his Collections from September; and by Law cannot Collect further than the 29<sup>th</sup> of June last. Therefore

Mass. Archives, exix., 566. House Journal, pp. 55, 53, 84. *Infra*, chap. 123.

*Voted* that the Treasurer of the Province be directed to deduct £22.6<sup>s</sup>.8<sup>d</sup> being one quarter part of the Sum that He Contracted to give for said Excise.

Provided the said Joselyn within Sixty Days brings Certificates to the Province Treasurer from such Licensed Persons in that

County, (of whom He says He has received Excise to September last) that He hath repaid them one quarter part of what they respectively paid him. [Passed December 14.]

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## CHAPTER 116.

### VOTE IMPOWERING ROBT PIERPOINT TO ENTER AN APPEAL.

Legislative  
Records of the  
Council, xix.,  
494. Mass.  
Archives,  
xliii., 530.

Mass.  
Archives,  
xliii., 529–532.  
Legislative  
Records of the  
Council, xix.,  
501. House  
Journal, pp. 71  
86.

A PETITION of Robert Pierpoint shewing that one Samuel Henshaw of Boston, at the Inferior Court held there in January last recovered Judgment against him for £82.13.9 & Cost, from which he appealed to the Superior Court, but his Attorney thro' forgetfulness & Mistake omitted to enter his Appeal, & so the said Judgment was affirmed, praying that he may be admitted to another Tryal

Read together w<sup>th</sup> the Answer of Samuel Henshaw &

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted & that the Pet<sup>r</sup> be & is hereby enab[led]<sup>1</sup> to enter his Appeal at the Next Superior Court of Judicature to be holden at Boston on the third Tuesd[ay]<sup>1</sup> of February next and the Justices of the said Court are hereby impowered to Try the Same Enter up Judgment & Award Execution thereon Provided that the Pet<sup>r</sup> Pay what Costs have already arisen & give Sufficient Security to the Sheriff of the County of Suffolk to pay what Sum may finally be Recovered against him & Execution is stayed in the mean Time. [Passed December 15.<sup>2</sup>

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## CHAPTER 117.

### ORDER GRANTING TO DAVID WYER LICENCE TO RETAIL STRONG LIQUORS.

Legislative  
Records of the  
Council, xix.,  
496. Mass.  
Archives,  
cxix., 572.

Mass.  
Archives,  
cxix., 571.  
House Jour-  
nal, p. 76.

A PETITION of David Wyer of Charlestown Distiller shewing that he is under great Inconveniences for want of a Licence for selling small Quantities of Rum & other distilled Liquors, Therefore praying that the Court of General Sessions of the Peace for the County of Middlesex, may be enabled to grant him a Licence

Read and

*Ordered* that the Justices of the Gen<sup>l</sup> Sessions of the Peace for the County of Middlesex be allowed if they see cause to grant the Pet<sup>r</sup> a Licence to retail strong Liquors the time for granting Licences being elapsed notwithstanding. [Passed December 17.<sup>3</sup>

<sup>1</sup> MS. mutilated.

<sup>2</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is December 14.

<sup>3</sup> This date is according to Mass. Archives; according to Legislative Records of the Council and the House Journal the date is December 11.

## CHAPTER 118.

## ORDER GRANTING TO HANNAH YOUNG LICENCE TO RETAIL STRONG LIQUORS.

A PETITION of Hannah Young of Boston Widow, shewing that she has been a Retailer of Strong Drink for divers Years, & was approved by the Select Men & allowed by the Sessions upon her giving Recognizance which she was not able to do in the Proper Season, by Reason of the Small Pox then in Town, Praying that she may be admitted now to give Recognizance & take out her Licence.

Read and

*Ordered* that the Justices of the General Sessions of the Peace for the County of Suffolk be and they hereby are allowed to grant the Pet<sup>r</sup> a Licence to retail strong Liquors &c (if they see cause) at their next Session: the time for granting Licences being elapsed notwithstanding Provided the Pet<sup>r</sup> first obtains the approbation of the select men of Boston for that purpose. [Passed December 18.<sup>1</sup>

Legislative Records of the Council, xix., 503. Mass. Archives, cxix., 570.

Mass. Archives, cxix., 569. House Jour. nal, p. 86.

## CHAPTER 119.

## ORDER PRESENTING ONE OF THE PROVINCE HORSES TO SIR WM PEP-PERELL.

A MEMORIAL of Sir William Pepperell setting forth the Charge he was at in bringing in his Vessell Two Stallions from England, sent by Sir Peter Warren for the Use & Service of the Province, & moving that such Consideration may be made him therefor as this Court shall judge Proper.

Read and

*Ordered* that there be and hereby is granted to the Memorialist the Horse now under the Care of Col<sup>o</sup> Timothy Gerrish of Kittery in consideration of the Charge and Expences above mentioned. [Passed December 19.

Legislative Records of the Council, xix., 506. Mass. Archives, i., 229.

House Jour. nal, pp. 63, 92. Ante, p. 500, chap. 232; p. 609, chap. 189.

## CHAPTER 120.

## ORDER ACCEPTING THE REPORT OF THE COMMITTEE FOR BURNING BILLS OF CREDIT.

WE THE SUBSCRIBERS being a Com<sup>tee</sup> appointed by the General Court to repair to the Treasurers Office to take an Accompt of the Bills in his Hands, having attended that Service, have received of M<sup>r</sup> Treasurer Foye One Thousand & ninety five Pounds 12/6, Old Tenor Bills, Two hundred & thirteen Pounds 12/8 Middle Tenor Bills, & Three thousand nine hundred & Eighty four Pounds seven <sup>2</sup> shil<sup>gs</sup> & six pence last Emission Bills, & consumed them to Ashes.

Read and

Legislative Records of the Council, xix., 507. Mass. Archives, ciii., 56.

House Jour. nal, pp. 91, 92. Ante, p. 657, chap. 74.

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council and the House Journal the date is December 15.

<sup>2</sup> The House Journal, p. 92, reads, £3,984. 17. 6.

*Ordered* that this Report be accepted. And the Treasurer is hereby discharged of the abovementioned Sums accordingly. [Passed December 19.<sup>1</sup>

## CHAPTER 121.

### RESOLVE DIRECTING THE FARMERS OF EXCISE IN REGARD TO THE MANNER OF COLLECTING THE SAME.

Mass.  
Archives,  
exix., 574.

House Jour-  
nal, pp. 24, 77.  
Province  
Laws, iii., 64,  
chap. 32.  
*Ante*, p. 668,  
chap. 101;  
p. 675, chap.  
115.

WHEREAS it has been the Constant practice of the Innholders and Retailers of the County of Plimouth to pay their Excise annually at the Court of General Sessions of the Peace held at Plimouth on the third Tuesday of September to the Commissioners or Farmers of Excise, and many of the said Innholders & Retailers have constantly kept their account of Sales of Liquors and other things that pay Duty from September to September and cant now upon Oath diserminate what part they had disposed of, on or before the twenty ninth of June past, which by Law they should have done.

And Whereas there has been a Dispute between the said Innholders and Retailers and Capt<sup>t</sup> Joseph Josselyn the late Farmer of Excise to what time they should pay him up to, which by Law ended the twenty ninth of June past, by reason of which Difficulty, the Innholders and Retailers are rendered incapable of Renewing their Licences, which will be a Damage to the Revenue as well as to the County,

For Remeding which Difficulty,

*Resolved*, That the said late Farmer of Excise be directed & im- powered to Examine on Oath or otherwise such persons as have not kept up their accounts to the twenty ninth of June from the said third Tuesday of September to the third Tuesday of September, and that he Rebate to each one in proportion of what they pay for the Year, from the said Twenty ninth of June to the twenty sixth of September, and give them respectively Certificates of their having paid their Excise, to the twenty ninth of June past. And in Case that the said late Farmer should refuse so to do the Clerk of the Court of General Sessions of the Peace at the Court to be held by Adjournment at Plimouth on the Eighteenth Instant do swear such persons to their account's and to Receive for the use of the said late Farmer of Excise, the money as is above directed giving to each person a Receipt for the Sum received, as well as to those who can account certainly to the said twenty ninth of June, and that thereupon the said Court of General Sessions of the Peace at their Adjournment aforesaid proceed to Grant Licenses to all such Innholders and Retailers as they Judge convenient in as full manner as if Certificates had been given in due time. [Passed December 19.

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is December 20.

## CHAPTER 122.

## ORDER IMPOWERING JOHN DENNIS TO SURVEY AND LAY OUT 200 ACRES OF LAND.

A PETITION of John Dennis, shewing that agreeable to a Grant made to him by the General Court of 200 Acres of Unappropriated Land, to be laid out in the County of York adjoining to some former Grant he has gotten a Surveyor & Chainmen on Oath to lay out for him Two hundred Acres of Land, adjoining to Narraganset Township in said County called Number one, a Plan whereof he herewith presents, Praying that this Court would confirm the same to him, notwithstanding the lateness of the Return.

Read and it appearing that the Land described in the Plan is already granted by the Conrt. Therefore

*Ordered* that the Pet<sup>r</sup> be allowed to lay out two hundred Acres of the Unappropriated Lands of the Province in the County of York, adjoining to some Township or former Grant. He to return a Plan thereof to this Court within twelve Months for confirmation.  
[Passed December 20.

Legislative Records of the Council, xix., 508. Mass. Archives, xvi., 267.  
House Journal, pp. 91, 95. Province Laws, xii., 686, chap. 38.

## CHAPTER 123.

## ORDER ACCEPTING THE REPORT OF THE COMMITTEE FOR FARMING THE EXCISE FOR THE COUNTY OF PLYMOUTH, FOR THE YEAR 1751, AND ALLOWING 40/ FOR THE EXPENSES THEREOF.

A REPORT of the Com<sup>tee</sup> of the General Court appointed to let farm the Excise of Wine, Strong Liquors &c for the County of Plymouth shewing that they have let the Same to Joseph Joslyn of Hanover for £89. 6. 8 for which they had taken Bond & lodged it with the Treasurer, Their own Aceo<sup>t</sup> being £2.

Read and Accepted and the Account of Expences &c of the Comm<sup>ee</sup> being forty Shillings is hereby allowed accordingly. [Passed December 20.

Legislative Records of the Council, xix., 507. Mass. Archives, exix., 576.  
House Journal, pp. 24, 94. Ante, p. 635, chap. 14. Supra, chap. 115.

## CHAPTER 124.

## ORDER GRANTING TO CALEB TROWBRIDGE LICENCE TO KEEP AN INN.

A PETITION of Caleb Trowbridge jun<sup>r</sup> of Groton shewing that he lives upon a Road where there is great Want of an Inn, that he is necessitated to entertain Travellers tho' at his own Expence, that the Select Men of said Town are very desirous that he should keep an Inn, & have accordingly signified their Approbation of him, Praying that the Conrt of Sessions for Middlesex may be allowed to give him a Licence

Read &

*Ordered* that the Justices of the Gen<sup>l</sup> Sessions of the Peace for the County of Middlesex be & they hereby are allowed to grant the Pet<sup>r</sup> a Licence to be an Inholder (if they see Cause) at their Adjournm<sup>t</sup> on Saturday the 23<sup>d</sup> Instant, the time for granting Licences

Legislative Records of the Council, xix., 510. Mass. Archives, exi., 252.  
House Journal, pp. 95, 96.

being elapsed notwithstanding, Provided the Pet<sup>r</sup> first obtains the Approbat<sup>n</sup> of the Select Men of Groton for y<sup>t</sup> Purpose. [Passed December 21.<sup>1</sup>

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## CHAPTER 125.

### ORDER GRANTING TO THOS<sup>S</sup> CROSBY LICENCE TO KEEP A TAVERN.

Legislative  
Records of the  
Council, xix.,  
508. Mass.  
Archives, xxi.,  
254.

Mass.  
Archives, xxi.,  
253. House  
Journal, p. 99.

A MEMORIAL of Thomas Crosby of Braintree shewing that he has kept a Tavern in said Town for divers Years past, but by Reason of the small Pox he was prevented from taking out his Licence for this present Year at the usual Time. Therefore praying that the Court of General Sessions of the Peace for the County of Suffolk may be impowered to renew his Licence at their next Term.

Read and

*Ordered* that the Justices of the Gen<sup>l</sup> Sessions of the Peace for the County of Suffolk be allowed at their next term (if they see cause) to grant the Pet<sup>r</sup> a Licence to keep a Tavern the remaining part of the Year; He first obtaining the approbation of the Select Men of the Town of Braintree for that purpose, the time for granting Licences being elapsed notwithstanding. [Passed December 22.<sup>2</sup>

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Legislative  
Records of the  
Council, xix.,  
510. Mass.  
Archives,  
Iviii., 370.

House Jour-  
nal, p. 92.  
Province  
Laws, iii., 637,  
chap. 9; 638,  
chap. 10; 632,  
chap. 23; 654,  
chap. 25. *Ante*,  
p. 234, chap.  
265; p. 475,  
chap. 106.

## CHAPTER 126.

### ORDER ALLOWING PROVINCE LAW BOOKS TO THE NEW DISTRICTS.

*Ordered* that the Districts lately Made in Rutland Groton new Braintree and Northampton have each of them a Province Law Book at the publick Charge. [Passed December 22.<sup>3</sup>

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## CHAPTER 127.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE FOR THE SALE OF THE PROVINCE LANDS, AND FURTHER ORDERING A SURVEY OF THE TOWNSHIP OF NEW SALEM.

Legislative  
Records of the  
Council, xix.,  
510. Mass.  
Archives,  
xvi., 286.

Mass.  
Archives,  
xvi., 286-288.  
House Jour-  
nal, pp. 19, 100.  
Province  
Laws, xiii., 330,  
chap. 240.  
*Ante*, p. 644,  
chap. 40.

THE Com<sup>tee</sup> appointed in June last to sell sundry Tracts of Land belonging to the Province report that in pursuance thereof they have sold one Tract of Eleven Thousand Acres to Isaac Royal Esq<sup>r</sup> & Capt Isaac Freeman for Three hundred & fifteen Pounds, One Tract of Two hundred Acres to Thomas Hubbard Esq<sup>r</sup> for Forty one Pounds, & one Tract of Twenty eight Thousand, three hundred & seventy five Acres to Samuel Watts Esq<sup>r</sup> & others for One Thousand three hundred & forty eight Pounds. And the Com<sup>tee</sup> pray the Courts Consideration in what Way & Manner the Purchasers shall have their Titles: They also Report that one of

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is December 22.

<sup>2</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is December 21.

<sup>3</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is December 23.

said Tracts of Land containing Eight hundred Ninety four Acres lying North of a new Township called New Salem, & East of their Grant of Four Thousand Acres is claimed by the Proprietors of said Township, they apprehending that in the Survey of said Township there was a Mistake of near One Thousand Acres which they want of their just Measure and as they are desirous of having said Town Measured anew, They therefore are of Opinion that some suitable Person, to be appointed by this Court do it at the Charge of said Proprietors, carefully survey said Township & Grant & make Return to this Court thereof at their next Session, if that Service can be performed so soon, if not to the Session next after, & the Sale of the aforesaid Tract of Eight hundred ninety four Acres be refer'd in the mean Time, and the Sale of the Remainder of said Lands be put off to Thursday the twenty eight Instant.

By Order of the Com<sup>tee</sup> J. CHANDLER

Read and Accepted and

*Ordered* that the Comm<sup>ee</sup> or the Major part of them (in their Capacity as a Committee &c) be and they hereby are Impowered to Execute good and sufficient Deeds of said Tracts of Land to the Purchasers.

*Ordered* also that Capt<sup>t</sup> Wilder be directed to Survey the Township and Grant at the Charge of the Proprietors accordingly. [Passed December 23.

## CHAPTER 128.

### ORDER IMPOWERING JERUSHIA BIRD, EXECUTOR, AND JOHN WALKER, TRUSTEE, TO SELL AN ESTATE.

A PETITION of Jerushia Bird, Executrix of the last Will & Testament of Adam Smith late of Weston dee<sup>d</sup> and of John Walker named as a Trustee in the said Will shewing that the Personal Estate is not sufficient to pay the Debts, & the selling any single Part of the Real Estate would prejudice the Remainder. Therefore praying that this Court would enable them to sell the whole, real Estate.

Legislative Records of the Council, xix., 511. Mass. Archives, xviii., ss2.

Mass. Archives, xviii., ss1. House Journal, pp. 68, 99, 100. Province Laws, ii., 151, chap. 10.

Read and

*Ordered* that the within named John Walker be and he hereby is Impowered to make Sale of the Estate within mentioned, and to Execute in due form of Law a Deed of conveyance thereof to Such Person or Persons Who shall give most for the same. Provided He first give Bond to the Judge of Probate for the County of Middlesex that the produce thereof (after the Debts due from said Estate are paid) be applied for the benefit of the Heir of the said Adam agreeable to his last Will and Testament.

PROVIDED also that the said John in the Sale of the Premisses observes the directions of the Law respecting the Sale of Intestate Estates. [Passed December 23.

## CHAPTER 129.

## ORDER GRANTING LICENCE TO JOHN MARSTON TO KEEP A TAVERN.

Legislative  
Records of the  
Council, xix.,  
512. Mass.  
Archives, exi.,  
257.

Mass.  
Archives, exi.,  
255. House  
Journal, p. 103.

A PETITION of John Marston of Boston shewing that he has lately hired a House there where a Tavern has been kept many Years past known by the Sign of the Golden Ball, Praying that the Court of General Sessions of the Peace for the County of Suffolk may be allowed to grant him a Licence

Read and

*Ordered* that the Justices of the Gen<sup>l</sup> Sessions of the Peace for the County of Suffolk be allowed at their Session the next Week to grant the Pet<sup>r</sup> a Licence to keep Tavern &c (if they See cause) the remaining part of the Year He first obtaining the approbation of the Select Men of the Town of Boston for that purpose The time for granting Licences being elapsed notwithstanding. [Passed December 26.]

## CHAPTER 130.

ORDER SUBSTITUTING MAJ WORTHINGTON AND M<sup>RE</sup> TYING FOR COL WINSLOW AND CAPT RUGGLES ON A COMMITTEE.

Legislative  
Records of the  
Council, xix.,  
512. Mass.  
Archives,  
exvi., 231.

House Jour-  
nal, p. 103.  
*Ante*, p. 660,  
chap. 80.

*Ordered* that Maj Worthington and M<sup>r</sup> Tyng be of the Comm<sup>ee</sup> above named <sup>1</sup> in the room of Col<sup>o</sup> Winslow and Cap<sup>t</sup> Ruggles Who are absent. [Passed December 26.]

## CHAPTER 131.

ORDER APPOINTING A COMMITTEE TO ENQUIRE AB<sup>T</sup> THE £700 STERL<sup>G</sup> GIVEN BY S<sup>R</sup> PETER WARREN.

Legislative  
Records of the  
Council, xix.,  
513. Mass.  
Archives, xiii.,  
335.

Legislative  
Records of the  
Council, xix.,  
383, 396. House  
Journal, pp. 33,  
105. *Ante*,  
p. 563, chap. 66.

In the House of Rep<sup>ives</sup>

*Ordered* that Col<sup>o</sup> Otis Maj<sup>r</sup> Worthington and M<sup>r</sup> Gray with such as the Hon<sup>ble</sup> Board shall Joyn be a Committee to inquire of the Gentlemen entrusted with the late Sir Peter Warren's Affairs; their determination respecting the £700 Sterling Whieh He directed to be paid this Government, for the Instruction of Indian Children &c. And report what they Judge proper for this Court further to do thereon.

In Council Read & Coneur'd & Jacob Wendell & Andrew Oliver Esq<sup>rs</sup> are joined in the affair. [Passed December 27.]

## CHAPTER 132.

## ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE AFFAIRS OF THE STOCKBRIDGE INDIANS.

Legislative  
Records of the  
Council, xix.,

THE COM<sup>tee</sup> to whom was refer'd that Part of His Honours Speech respecting the Western Indians, as also the Report of Joseph Dwight

<sup>1</sup> *Ante*, p. 660, chap. 80.

Esqr & M<sup>r</sup> John Ashley respecting the scituation of Affairs at Stockbridge, have endeavoured to obtain all the information that is possible concerning them, & beg leave to Report as follows,

That no regular Vote as they can learn has been passed by the Indian Proprietors there, to appropriate the Land on which the Boarding School, & the new School House lately built by this Gov-  
ernm<sup>t</sup> now stands; and are therefore of Opinion that the Clerk of said Propriety be directed to call a Meeting of the Indian Proprietors in order to confirm the Land heretofore said to have been granted by them, as School Land to that Use & Purpose

The Com<sup>tee</sup> are informed that M<sup>r</sup> Isaac Hollis of London has made Provision for the maintenance & Education of Twenty four Boys, of which Number there are Ten only at present in said School & that the Corporation for propogating the Gospell have made the like Provision for Ten Girls for one Year by Way of Trial, and that their Commissioners here are ready to provide for the Instruction of others as their Stock will allow. And are therefore of Opinion that the Com<sup>tee</sup> of this Court appointed for those Affairs should take Proper Care untill further Order for the Maintenance & Support of such other Indians of the six Nations, or of other distant Tribes which are now come or may hereafter come to Stockbridge upon the Encouragement given them by this Governm<sup>t</sup> over & above the Number; the Care of whom & whose Maintenance & Support is otherwise provided for, & that they permit none of those to want in Case of the neglect or Refusal of those that have the immediate Charge of the two Schools above mentioned.

The Com<sup>tee</sup> are likewise informed that the Com<sup>tee</sup> aforesaid have agreed for 23/37 Parts of the Hop Lands so called, to have one Acre for two, to be laid out West of Sheffield or of Stockbridge & are of Opinion that said Com<sup>tee</sup> should be directed to perfect the Agreement for said Proportion, or for the whole Quantity about three Miles square. The Equivalent to be taken in one or more Tracts scituate as aforesaid, but to be in as few Parcells as may be. The Com<sup>tee</sup> likewise find that M<sup>rs</sup> Dwight hath undertaken the Education & Care of Ten Girls, provided for by the Corporation for propogating the Gospell, and being of Opinion that she might take the like Care of a greater Number. Therefore think that it would be expedient that the Frame provided for the Feemale School should be erected near her dwelling House, & that the Com<sup>tee</sup> aforesaid be directed to purchase one Acre of the late M<sup>r</sup> Sergeants Land lying upon the Road some where betwixt his late dwelling House & the House of M<sup>r</sup> Jones, represented to be worth about Five Pounds and that the Building be placed thereon & finish'd as soon as early<sup>1</sup> in the Spring as the Season will permit. This Com<sup>tee</sup> having likewise Considered the Representation made to His Honour the Lieutenant Governor respecting the Motions & Inclinations of the Twightwees, are of Opinion that it will be unnecessary for this Governm<sup>t</sup> to insert themselves in those Affairs untill some of the other Governments who are nearer to those Indians, & more likely to be acquainted with the Importance of them shall move therein

JACOB WENDELL *p* Order

Read and

*Ordered* that this Report be accepted. [Passed December 27.

<sup>1</sup> *Sic*, "as soon as early."

513. Mass.  
Archives,  
xxxii., 325.

Mass.  
Archives,  
xxxii., 324.  
Legislative  
Records of the  
Council, xix.,  
373. House  
Journal  
pp. 104, 105.  
*Ante*, p. 488,  
chap. 203;  
p. 563, chap. 66;  
p. 567, chap. 74;  
p. 597, chap.  
155.

## CHAPTER 133.

ORDER ALLOWING £255. 3. 6. 3 TO JOS. DWIGHT ESQ<sup>R</sup>.

Legislative Records of the Council, xix., 514. Mass. Archives, xxii., 293.

Mass. Archives, xxii., 292. House Journal, p. 98. *Supra*, chap. 132. *Infra*, chap. 134.

AN ACCOMPT presented by Joseph Dwight Esq<sup>r</sup> (one of the Com<sup>tee</sup> on Indian Affairs at Stockbridge) of his Disbursments & Expenses on the Indians &c, at Stockbridge, amounting to the Sum of £255.2.6 $\frac{3}{4}$

Read and

*Ordered* that the within Account be allowed and that the Accountant be paid out of the publick Treasury the Sum of Two hundred fifty five pounds, three Shillings and Six pence three farthings in full discharge thereof accordingly. [Passed December 27.

## CHAPTER 134.

ORDER ALLOWING £111. 13. 1 TO CAPT JN<sup>O</sup> ASHLEY.

Legislative Records of the Council, xix., 514. Mass. Archives, xxii., 335.

Mass. Archives, xxii., 334. House Journal, p. 98. *Supra*, chaps. 132, 133.

AN ACCOMPT presented by Capt John Ashley (one of the Com<sup>tee</sup> for Indian Affairs at Stockbridge) of his Expences & Disbursments thereon amounting to the Sum of £111.13.1 $\frac{1}{2}$

Read and

*Ordered* that the within Account be allowed and that the Accountant be paid out of the publick Treasury the Sum of One hundred and eleven pounds, thirteen Shillings and one penny half penny, in full discharge thereof accordingly. [Passed December 27.

## CHAPTER 135.

## ORDER ALLOWING £9. 16 TO BENJA ASHLEY.

Legislative Records of the Council, xix., 514. Mass. Archives, xxii., 267.

House Journal, pp. 98, 99, 101. *Ante*, p. 647, chap. 46.

AN ACCOMPT presented by Benjamin Ashley of Disbursm<sup>ts</sup> on the Indians at Stockbridge amounting to the Sum of £13.8.8 $\frac{3}{4}$

Read and

*Ordered* that this Accomp<sup>t</sup> be so far allowed, as that there be allowed and paid out of the publick Treasury to the Accomptant the Sum of Nine pounds Sixteen Shillings in full discharge thereof. [Passed December 27.

## CHAPTER 136.

## ORDER CONFIRMING ACTS OF A CONSTABLE.

Legislative Records of the Council, xix., 514. Mass. Archives, exvi., 292.

Mass. Archives, exvi., 291.

A PETITION of the Select Men of the Town of Dartmouth, setting forth the Difficulties the said Town hath been under to get their Taxes collected, that they agreed with Henry Howland to collect the said Taxes for the Year 1751, the most of which he has collected but tis feared that some Persons may take Advantage from his not being sworne before his Entrance on his Office that

Year, therefore praying that this Court would ratify his Doings in his Office, notwithstanding said Omission

House Journal, pp. 94, 105.

Read and

*Ordered* that the Prayer of this Pet<sup>n</sup> be so far granted as that the within named Henry Howland be and hereby is Confirmed in his Office of Constable and he is hereby fully Impowered to compleat his Collections of the Taxes Committed to him as fully as though he had been Chosen and Sworn to said Office as Constable for the Year 1751. And the Proceedings of the said Henry with regard to his Collecting the Taxes for the Year 1751 shall be deem'd and held good and valid to all intents and purposes. [Passed December 27.

## CHAPTER 137.

### ORDER ACCEPTING REPORT OF THE COMMITTEE DISCHARGING THE PROVINCE TREASURER OF CERTAIN SUMS AND HOLDING HIM ACCOUNTABLE FOR UNPAID TAXES AND MONEY IN HIS HANDS.

ON THE GENERAL ACCOMPT of William Foye Esq<sup>r</sup> Treasurer & Receiver General of this Province beginning May 1751, & ending May 1752, with a Report of a Com<sup>tee</sup> of the House of Repres<sup>ves</sup> thereon,

Province of the Massachusetts: Bay

The Committee to whom was referred the Examination of the Accompts of William Foye Esq<sup>r</sup> Treas<sup>r</sup> & Receiver General of his Majesty's Province of the Massachusetts-Bay in New-England, beginning 31<sup>st</sup> May 1751, & ending 27<sup>th</sup> May 1752, having attended that Service, find them right east, & well vouched, by which it appears that the said Accomptant chargeth Himself with what was Outstanding of the several Tenors, p<sup>r</sup> Last Acc<sup>o</sup> & now reduced to Last Emission £37,127.9.4¾ & also with the Sum of £532.3.10½ rec<sup>d</sup> of the Comss<sup>rs</sup> of Excise on Liquors, & with £14.15.1 rec<sup>d</sup> for Fines, &c & with £195. rec<sup>d</sup> of the Com<sup>tee</sup> for Signing Bills, & with the Tonn<sup>a</sup> Money rendered outstanding p<sup>r</sup> last Acco<sup>t</sup> £162.3.4 & with the Bills in hand p<sup>r</sup> Last Acco<sup>t</sup> old Tenor & middle Tenor reduced to Last Emission £112.17.4½ and with the Bills in hand of the Last Emission p<sup>r</sup> Last Acco<sup>t</sup> £72,276.7.7½ All which Sums amo<sup>t</sup> to the Sum of One Hundred & Ten Thousand four Hundred & Twenty Pounds sixteen Shill<sup>s</sup> & eight pence LAST EMISSION

Legislative Records of the Council, xix., 515. Mass. Archives, cxxiv., 369.

House Journal, pp. 103, 104. Ante, p. 649, chap. 51; p. 654, chap. 64.

THE SAID ACCOMP<sup>T</sup> Dischargeth Himself by Bills burnt by a Com<sup>tee</sup> of the Gen<sup>l</sup> Court amo<sup>t</sup> to £70,193.3.11 & by an Overcharge in the Tonn<sup>a</sup> of Vessels £6.8 & by £37.4 so much yet outstanding Tonn<sup>a</sup> Money and by so much yet outstanding of the several Tenors amo<sup>t</sup> to £22,892.12.4 & by the Ballance of this Acco<sup>t</sup> £17,291.8.5 Last Emission which Sum being carried to the Debt of the follo<sup>w</sup> Acco<sup>t</sup> & reduced to Lawful Money makes Nine Thousand two Hundred & twenty two Pounds one Shilling & ten pence, with which the said Accomp<sup>t</sup> has charged Himself

THE SAID ACCOMPANT further Chargeth Himself with a Tax made by the Gen<sup>l</sup> Court in May 1751. £35,685 Lawful money & with a Tax ordered by the Gen<sup>l</sup> Court in April 1751 for the Repairs of the Court-House £1,852.15.8 & with Gold & Silver in hand p<sup>r</sup> last Acco<sup>t</sup> £400.9.1 & with the Ballance of the £9,000 borrowed for Supply of the Treasury p<sup>r</sup> last Acco<sup>t</sup> £120.0.2¾ &

with £503.6.1 rec'd for Excise on Liquors, and with £54.7.11 rec'd of Edward Trowbridge and Benj<sup>a</sup> Pollard Esq<sup>rs</sup> For so much recovered of Shubael Hobart for altering the Com<sup>tee</sup>s Notes, & with £694.2.5 borrowed of sundry Persons for a Supply of the Treasury & with the Sum of £3,019.1.11 rec'd of the Directors of the Lottery and with the Sum of £17,920.2.8 rec'd of the Com<sup>tee</sup> appointed by the Gen<sup>l</sup> Court in Deem<sup>r</sup> 1751, to borrow a Supply of the Treasury & with One Thousand three hundred & nine Pounds 17/6 rec'd of Daniel Russell Esq<sup>r</sup> Comss<sup>r</sup> of Impost, & with the Ballance of the Acco<sup>t</sup> above in last Emission £17,291.8.5 which reduced to lawful Money is Nine Thousand two hundred & Twenty two Pounds 1<sup>s</sup>/10<sup>d</sup> All which Sums amo<sup>t</sup> to the Sum of Seventy Thousand Seven Hundred & Eighty one Pounds five Shillings & three pence three farthings **LAWFUL MONEY**

THE SAID ACCOM<sup>r</sup> dischargeth Himself, by sundry Payments, made by Order of his Hon<sup>r</sup> the Leiv<sup>a</sup> Gov<sup>r</sup> with the Advice of the Council amo<sup>t</sup> to the Sum of Twenty one Thousand three Hundred & Seventy four Pounds, Six Shill<sup>s</sup> & 1<sup>d</sup> Lawful Money & by so much yet outstanding of the Taxes in Lawful Money Twenty four Thousand six Hundred & fifteen Pounds sixteen Shill<sup>s</sup> & one farthing & By the Ballance of this Acco<sup>t</sup> in hand Twenty four thousand seven Hundred & Ninety one Pounds three Shill<sup>s</sup> & 2<sup>d</sup> 1/2 Lawful Money for which he is further accountable.

THE COM<sup>TEE</sup> are of Opinion that the said W<sup>m</sup> Foye Esq<sup>r</sup> Treas<sup>r</sup> be Discharg'd of the Bills burnt by a Com<sup>tee</sup> of the Gen<sup>l</sup> Court amo<sup>t</sup> to Seventy Thousand one Hundred & ninety three Pounds 1<sup>s</sup>/11<sup>d</sup> Last Emission & Also of the Sum of Twenty one Thousand three hundred & Seventy four Pounds six Shill<sup>s</sup> & one penny Lawful Money for Payments made, & that He be further accountable for the Taxes yet Outstanding as abovemention'd, & also for the Sum of Twenty four thousand Seven hundred & Ninety one Pounds three Shill<sup>s</sup> & 2<sup>d</sup> 1/2 Lawful Money, being the Ball<sup>ce</sup> of this Acco<sup>t</sup>.

T. HUBBARD p Ord<sup>r</sup> of Com<sup>tee</sup>

Read and

*Ordered* that this Report be accepted and

*Voted* that the said William Foye Esq<sup>r</sup> Treas<sup>r</sup> be discharg'd of the Bills burnt by the Comm<sup>ee</sup> of the Gen<sup>l</sup> Court amounting to Seventy thousand one hundred and Ninety three pounds one Shill<sup>g</sup> and eleven pence last Emission, and also of the Sum of Twenty One thousand three hundred and Seventy four pounds Six Shillings and one penny Lawful Money, for payments made. And that He be further accountable for the Taxes yet outstanding, as abovementioned, and also for the Sum of Twenty four thousand Seven hundred and Ninety one pounds three Shill<sup>s</sup> and two pence half penny Lawful Money in his hands. [Passed December 27.]

## CHAPTER 138.

ORDER ACCEPTING REPORT OF THE COMMITTEE FOR FARM<sup>G</sup> THE EXCISE FOR THE COUNTY OF PLYMOUTH, AND ALLOWING £2 FOR THE EXPENSES THEREOF.

REPORT of the Com<sup>tee</sup> of the General Court appointed to let to Farm the Excise of Wines & Strong Liquors in the County of Plymouth shewing that they have let the Same this present Year to Mr Benjamin White of Boston for the Sum of £243.6.8 and have taken Bonds & lodged with the Treasurer their own Accomp<sup>t</sup> of Time & Expence, Amounting to £2.

Read and Accepted and

*Ordered* that the Sum of Two pounds be allowed the s<sup>d</sup> Comm<sup>ee</sup> accordingly. [Passed December 27.]

Legislative Records of the Council, xix., 515. Mass. Archives, cxix., 577.

House Journal, p. 94.  
*Ante*, p. 635, chap. 14.

## CHAPTER 139.

ORDER ACCEPTING REPORT OF THE COMMITTEE FOR FARMING EXCISE FOR THE COUNTY OF BRISTOL, AND ALLOWING £2. 2 FOR THE EXPENSES THEREOF.

REPORT of the Com<sup>tee</sup> of the General Court appointed to let out to Farm the Excise of Wine & Strong Liquors in the County of Bristol for this present Year, shewing that they have let out the Same to Mr Benjamin White of Boston for the Sum of £94 and have taken Bond & lodged the Same with the Treasurer, The Acc<sup>t</sup> of their Trouble & Expence being £2.2.

Read and Accepted and

Legislative Records of the Council, xix., 515. Mass. Archives, cxix., 578.

House Journal, pp. 24, 103.  
*Ante*, p. 636, chap. 16.

*Ordered* that the above written Sum of two pounds two Shill<sup>gs</sup> be allowed out of the publick Treasury to the said Comm<sup>ee</sup> Accordingly. [Passed December 27.]

## CHAPTER 140.

ORDER EXEMPTING UNDER CONDITIONS DIVERS FAMILES OF THE 1<sup>ST</sup> AND 3<sup>RD</sup> PARISHES OF NEWBURY FROM PAYING PARISH CHARGES.

A PETITION of Charles Pierce Esq<sup>r</sup> & others of Newbury praying that in Consideration of their being formed into a Seperate Society & maintaining a learned & Orthodox Minister among themselves, they be exempt from paying to other Ministers in said Town their Support & that they may be erected into a distinct & seperate Parish.

Read & [report] accepted, And

Legislative Records of the Council, xix., 481. Mass. Archives, xiii., 375.

Mass. Archives, xiii., 374. Legislative Records of the Council, xix., 505, 516. House Journal, pp. 52, 88, 106, 107.

*Ord<sup>d</sup>* That the Pet<sup>rs</sup> Named in the Pet<sup>o</sup> of the first Parish In the Town of Newbury; with: Dan<sup>l</sup> Peirce Moses Noyce Jun<sup>r</sup> and Josiah Lunt; And the persons whose names Are Contained in the List to this Report Annexed of the Third Parish in S<sup>d</sup> Town with their Familys & Estates Lying in y<sup>e</sup> Parishes to which they Respectively belong, be and they hereby Are Discharged from paying Any Parish

Charges in the Said Parishes, So long as they Shall Support preaching Among themselves.

And That the Persons hereby freed from paying Parish Charges in their respective Parishes pay their Proportion of All y<sup>e</sup> Assessments of Said Parishes hitherto made.

PROVIDED That the Pet<sup>rs</sup> of the first Parish with the three persons joyned to them and those who are Contained in the S<sup>d</sup> List of the third Parish Release their Right & Interest in the Ministerial Lands belonging to the S<sup>d</sup> first & third Parishes respectively, Provided Also that those of the Said third Parish release their Right in the meeting house belonging to the S<sup>d</sup>. Parish

And that the persons of the Said third Parish hereby freed from Ministerial Charges who hold Any Propriety in the Meeting house of the Said Parish be and they are hereby Obliged to pay their proportionable part of the Parish Charge as the other prop<sup>rs</sup> Are obliged to do

And Whereas Samuel Bayley duly Chosen Collector for Said third Parish in the year 1749 Accepted that office and Collected the greater part of the Assessment for that year to him Comitted though not Sworn, And now refuses to Collect the remaining part thereof be & he is hereby Allowed to take the oath of a Collector & Impowered to finish the Collection of the Said Assessment, & Directed forthwith to pay the Same into the Treasury of the Said third Parish, And Upon his refusal So to do That he be and he is hereby Subjected to Account for the whole of the Said Assessment, as he would have been, had he been Sworn in proper Time. [*Passed December 28.*

## CHAPTER 141.

Legislative Records of the Council, xix., 516.

### VOTE IMPOWERING THE COMMITTEE FOR SELLING PROVINCE LANDS TO TAKE SEPARATE BONDS OF PURCHASERS.

*Voted* that the Com<sup>tee</sup> appointed to make Sale of the Province Land be impowered (if they see Cause) to take seperate Bonds of the several Purchasers with good Securities for the payment of the Sums the said Lands were sold for. [*Passed December 28.*

## CHAPTER 142.

### ORDER IMPOWERING THE COMMITTEE APPOINTED TO SELL THE PROVINCE LANDS TO GIVE A DEED THEREFOR.

Legislative Records of the Council, xix., 516. Mass. Archives, xlii., 289.

Mass. Archives, xvi., 286—289. House Journal, p. 108. Ante, p. 644, chap. 40; p. 680, chap. 127. Supra, chap. 141.

*Ordered* that the Committee, or a Major part of them appointed at the Sessions of the General Court the fifth of June last to Sell sundry Tracts of Lands belonging to the Province, whereof the Lands North of Millers River containing Eleven Thousand and Sixteen Acres were part, & which were sold by s<sup>d</sup> Com<sup>tee</sup> on the sixteenth Current, to Isaac Royal Esq<sup>r</sup> & Isaac Freeman for the sum of Three hundred & fifteen pounds, be & they hereby are Impowered to give a good & Sufficient Deed of the same Lands to John Erving of Boston Esq<sup>r</sup> as thô the same had been Struck off to him for whom it appears the said Royal & Freeman purchas'd the Same he the said John Erving Complying & performing of the Conditions of Said Grant. [*Passed December 28.*

## CHAPTER 143.

ORDER ACCEPTING REPORT OF THE COMMITTEE FOR FARMING OF EXCISE FOR THE COUNTY OF SUFFOLK, AND ALLOWING £1. 19. 3 FOR EXPENSE THEREOF.

REPORT of the Com<sup>tee</sup> appointed to let out to farm the Excise on Wine & Rum &c for the County of Suffolk this present Year, shewing that they have let the same to William Story of Boston for £2,138.13 & have taken Bonds & lodged them with the Treasurer, Their Accompt of Time & Expence amounting to £1.19.3.

The Committee appointed to farm out the exercise on Liquors &c<sup>a</sup> in the County of Suffolk, have attended that Service and Sold it att Publick Vendue, to the highest bidder M<sup>r</sup> William Storey for Two Thousand, One hundred Thirty Eight Pound Thirteen shillings and four Pence Lawfull money for One Year beginning on the 29<sup>th</sup> Jnne 1752 and Ending the 29<sup>th</sup> June 1753 and have taken bond for the Same executed by sd William Story, Francis Wells & John Hill Esq<sup>r</sup> for the Payment of the abovem<sup>a</sup> Sum unto the Treasurer of the Province to whom wee have Delivered Said bond & Pray allow<sup>a</sup> of the account of Charge thereon hereunder

JACOB WENDELL by order

Read and Accepted and the Sum of One pound Nineteen Shill<sup>gs</sup> and three pence is allowed the said Comm<sup>ee</sup> out of the publick Treasury accordingly. [Passed December 28.]

## CHAPTER 144.

ORDER ALLOWING £34.8 TO JOS. WILDER, JR., ESQ<sup>R</sup>.

AN ACCOMPT [for surveying] presented by Joseph Wilder jun<sup>r</sup> Esq<sup>r</sup>  
Ordered that the said Accompt be allowed and the Sum of Thirty four Pounds eight shillings is allowed to the Accomptant out of the publick Treasury in full discharge thereof accordingly. [Passed December 28.]

Legislative Records of the Council, xix., 517.

Executive Records of the Council, xii., 279. House Journal, p. 108.

## CHAPTER 145.

VOTE ALLOWING £70 TO THE OVERSEERS OF THE POOR OF THE TOWN OF CHARLESTOWN.

A PETITION of the Town of Charlestown setting forth their great Expences & Sufferings by Reason of the General Prevailing of the Small Pox among them for many Months past, and praying either a Grant out of the publick Treasury or an abatement of their Province Tax.

Read and in Answer to this Pet<sup>n</sup>

Voted that the Sum of Seventy pounds be allowed and paid out of the publick Treasury to the Overseers of the Poor of the Town of Charlestown, to be distributed among such Persons, as they shall Judge to Stand in need of Relief. [Passed December 29.]

Legislative Records of the Council, xix., 518. Mass. Archives, lxxxviii., 305.

Mass. Archives, lxxxvii., 301-305. House Journal, pp. 61, 79, 94, 108, 109.

## CHAPTER 146.

VOTE DIRECTING THE TREAS<sup>RS</sup> PAY<sup>G</sup> A YEAR'S INT<sup>ST</sup> ON GOVT NOTES  
AND ORDER DIRECTING THE TREAS<sup>R</sup> TO NOTE FOR PAYMENT WAR<sup>TS</sup>  
OF THE GOV<sup>R</sup> & COUNCIL.

Legislative  
Records of the  
Council, xix.,  
517.

Mass.  
Archives, ciit.,  
58—62. House  
Journal,  
pp. 109, 110.  
Province  
Laws, iii., 600,  
chap. 16; 625,  
chap. 8. *Ante*,  
p. 359, chap.  
158.

WHEREAS in & by an Act of this Province made in the twenty fifth Year of his present Majestys Reign, Andrew Oliver, Esq<sup>r</sup> Thomas Hubbard Esq<sup>r</sup> & M<sup>r</sup> Harrison Gray were impowered to borrow a Sum not exceeding Eighteen Thousand six hundred Pounds, for a Term not exceeding two Years & to give their Notes for the Money so borrowed accordingly, the Interest on which to be paid Annually, and as a fund to enable the Treasurer to pay said Interest & Principal at the Time they shall become due; the Impost & Excise for two Years from June 1752, besides a Tax of Eighteen Thousand six hundred Pounds upon Polls & Estates (which is this Year gone forth) especially mortgaged for that Purpose & for no other and whereas one Years Interest will be due in the Month of February next upon most of the Notes given by the Com<sup>tee</sup> aforesaid, and being of the utmost Consequence that the publick Faith should be held sacred. Therefore

*Voted* that the Treas<sup>r</sup> be & he hereby is directed to pay the Interest punctually of such Notes as they shall respectively become due out of the first Moneys that are or shall be brought into the Treasury in Consequence of the Provision made as aforesaid for the Payment of the same.

And whereas this Court at their Session at Concord in May last supplied the Treasury with the Sum of Eighteen Thousand one hundred forty two Pounds four shillings for the Discharge of the publick Debts, Which Sum of Eighteen Thousand one hundred forty two Pounds four shillings was added to the Tax Bill of Eighteen Thousand six hundred Pounds, which is already gone forth, making in the whole the Sum of Twenty six Thousand seven hundred forty two Pounds four shillings: Which by the Act aforesaid, the Sum of Eight Thousand one hundred forty two Pounds four shillings is to be applied by the Treasurer when received for the Payment of such Warrants as shall be drawn on him agreeable to the Appropriations in said Supply Act, and whereas by Reason of a delay in levying or collecting the said Tax The Treasurer is not enabled to discharge the Warrants drawn upon him by the Lieut<sup>t</sup> Governoeur & Council in consequence of the last mentioned Supply to the great Inconveniencie of the Possessors,

Therefore

*Ordered* that the Treasurer be & he hereby is directed, when & so often as any such Warrants shall be presented to him, which are drawn agreeable to the Appropriations in said Aet, & before a sufficient Sum shall be brought in by said Tax, to discharge the same to underwrite such Warrants as follows, viz<sup>t</sup> *Noted for Payment* W<sup>m</sup> Foye Treasurer and to register the Same in a Book for that Purpose: And the said Treasurer is further directed when & so often as one Thousand Pounds of said Tax is bro't into the Treasury, over & above what may be sufficient to discharge the Interest due upon the first mentioned Notes, to pay off the said Warrants which shall be so noted according to the Priority of their Dates, of which he shall give publick Notice in some of the Boston News

Papers, and if any Warrants noted as aforesaid shall be offered in the Discharge of the said Tax he shall receive the same accordingly.  
[Passed December 30.<sup>1</sup>

## CHAPTER 147.

### RESOLVE CONSTRUING AN ORDER IN REGARD TO CLAIMS TO LAND IN THE EAST<sup>N</sup> PARTS.

WHEREAS on the fourteenth Instant an Order [*ante*, p. 674, Legislative Records of the Council, xix., 520. chap. 113] passed this Court appointing a Com<sup>tee</sup> to inquire into the Grounds of the Complaints made by the Eastern Indians at the late Conference had with them at St Georges, & to receive of Persons claiming Right their under Indian Titles, the Evidence *Ante*, p. 674, of such their Titles and whereas some Doubts may arise whether the Order aforesaid may not be construed as, restrained to Titles derived by Purchase made of the Indians

Therefore

*Resolved* that the aforesaid Order shall be construed & understood to extend to any Claims of Title to any Lands there founded on any Cession made by the Indians, by Treaty or otherwise, and the said Com<sup>tee</sup> are to receive the Evidence thereof & make Report accordingly. [Passed December 30.

## CHAPTER 148.

### ORDER ADJOURN<sup>G</sup> YE COURTS IN YE CO<sup>O</sup> OF BARNSTABLE.

WHEREAS the Court of General Sessions of the Peace & Inferior Court of Common Pleas for the County of Barnstable are to be held at Barnstable on the third Thursday<sup>2</sup> of Jany Instant, & the sitting of the said Courts at that Time may be attended with more Trouble & Expence than Advantage

Therefore

*Ordered* that the said Court of General Sessions of the Peace & Inferior Court of Common Pleas be & they hereby are adjourned to the third Tuesday of March next, and all Officers & others concerned in said Courts are to conform themselves accordingly, & that all Processes & other Matters & Things depending in said Courts & which are by Law to be heard, tried & proceeded upon at said Term, shall be heard, tried & proceeded upon at said Court in March next, and the Jurors of said Court are hereby required to conform themselves accordingly. [Passed January 2.

Legislative Records of the Council, xix., 521.

House Journal, p. 114. Province Laws, iii., 64, chap. 32.

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council and the House Journal the date is December 29.

<sup>2</sup> The House Journal, p. 114, reads, "Tuesday."

## CHAPTER 149.

## ORDER ALLOWING £50 AND A FURTHER SUM OF £20. 6. 8 TO ROBT BALL.

Legislative  
Records of the  
Council, xix.,  
521. Mass.  
Archives,  
lxiv., 501.

Mass.  
Archives,  
lxiv., 500.  
House Jour-  
nal, pp. 97, 113.

A PETITION of Robert Ball keeper of the Light House, setting forth the largeness of his Bussiness & necessary Expence in Proportion to the Salary allowed him, and praying that his Salary may be enlarged, and his Expence for Fire Wood, for keeping the Oyl from being congealed may be allowed

Read and

*Ordered* that the sum of fifty pounds be allowed and paid out of the publick Treasury to the Petitioner for his Serviece as Keeper of the Light House from November 8<sup>th</sup> 1751 to the 8<sup>th</sup> of November 1752. And that the further sum of Twenty pounds six Shillings and eight pence be allowed him to discharge his Aecount for the firewood herein mentioned. [Passed January 2.

## CHAPTER 150.

ORDER ACCEPTING REPORT OF THE COMMITTEE FOR BURN<sup>G</sup> GOVT NOTES.

Legislative  
Records of the  
Council, xix.,  
521. Mass.  
Archives, cii.,  
68.

House Jour-  
nal, p. 108.  
*Ante*, p. 639,  
chap. 51; p. 654,  
chap. 64.  
*Infra*, chap.  
151.

BOSTON Decemb<sup>r</sup> 20, 1752. Received of William Foye Esq<sup>r</sup> Treasurer of the Province of the Massachusetts Bay, The Sum of Eight Thousand seven hundred & ten Pounds, in Government Securities payable the tenth of June 1752, in part of Nine Thousand Pounds which the Treasurer borrowed by Virtue of two Supply Bills with Interest thereon amounting to Nine hundred & twenty seven Pounds nine shillings & three pence three farthings, the whole amounting to the Sum of Nine Thousand six hundred & thirty seven Pounds, nine shillings and 3<sup>d</sup> 3/4. Also Two hundred & Eighty seven Pounds, eight shillings & ten Pence, in Securities, which he gave for Money borrowed per Order of the Court to supply the deficiency of the Lottery with Interest amounting to Fourteen Pounds, fourteen shillings & 9<sup>d</sup> which makes Three hundred & two Pounds, three shillings & 7<sup>d</sup> the whole of the Securities with Interest, amounting to nine Thousand nine hundred & thirty nine Pounds, twelve shillings & ten pence three farthings which we have seen consumed to Ashes,

J. OSBORNE

N. B. The Above Receipt includes Four Ponnds over paid M<sup>r</sup> Powers Mariot, for Interest for which the Treasurer is further accountable.

Read and Accepted. [Passed January 2.

## CHAPTER 151.

ORDER ACCEPTING THE SECOND REPO<sup>O</sup> OF YE COM<sup>TEE</sup> FOR BURN<sup>G</sup> GOVT  
NOTES.

SECOND REPORT of the Com<sup>tee</sup> for burning Bills  
 Boston Decemb<sup>r</sup> 22. 1752 Received of William Foye Esq<sup>r</sup>  
 Treasurer of the Province of the Massachusetts Bay, The Sum of  
 Thirteen Thousand three hundred & Eighty four Pounds thirteen  
 shillings & ten pence in Government Securities payable the 31<sup>st</sup>  
 December 1751, with Interest thereon amounting to Eight hun-  
 dred & thirty Pounds nineteen shillings & 11<sup>1</sup>/<sub>4</sub>. The whole amount-  
 ing to the Sum of Fourteen Thousand two hundred & fifteen Pounds  
 thirteen shillings & 9<sup>1</sup>/<sub>4</sub> which we have seen consumed to Ashes.

J. OSBORNE

Read and Accepted. [Passed January 2.]

Legislative  
Records of the  
Council, xix.,  
522. Mass.  
Archives, cii.,  
67.

House Jour-  
nal, p. 108.  
*Supra*, chap.  
150.

## CHAPTER 152.

ORDER ALLOWING £4. 2. 8 TO SAM<sup>L</sup> WILSON.

A PETITION of Samuel Wilson shewing that he was a Soldier at Castle William from whence he went sick to Newton praying that he may be allowed his Wages for that Time, with the Charge of his Diet & Sicknes.

Read and

Ordered that the Prayer of this Pet<sup>n</sup> be so far granted as that the Pet<sup>r</sup> be allowed out of the Province Treasury the Sum of four pounds two Shillings & eight pence Lawful Money in full Consideration for his Wages w<sup>th</sup>in mentioned. [Passed January 2.]

Legislative  
Records of the  
Council, xix.,  
524. Mass.  
Archives,  
lxxiv., 49.

Mass.  
Archives,  
lxix., 49.  
House Jour-  
nal, p. 109  
(January,  
1752).

## CHAPTER 153.

VOTE PRESENTING ONE OF THE PROV<sup>CE</sup> HORSES TO YE LIEUT GOVERN<sup>R</sup>.

Voted that the Province Horse now in the keeping of Judge Russell be presented by this Court to His Honour the Lieut<sup>t</sup> Governor for his Acceptance. [Passed January 3.]

Legislative  
Records of the  
Council, xix.,  
522. Mass.  
Archives, i.,  
232.

House Jour-  
nal, p. 113.  
*Ante*, p. 677,  
chap. 119.

## CHAPTER 154.

## ORDER APPOINTING A COMMITTEE TO PREVENT DISASTER TO THE PROVINCE FROM THE TREASURER NOT HAVING TAKEN THE OATH.

In the House of Repres<sup>ves</sup>  
 Ordered that M<sup>r</sup> Speaker, M<sup>r</sup> Trowbridge, M<sup>r</sup> Tyng, Coll<sup>o</sup> Otis & Capt Sheaff with such as the Hon<sup>ble</sup> Board shall appoint be a

Legislative  
Records of the  
Council, xix.,  
522.

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is January 4.

Mass.  
Archives, ciii.,  
2<sup>d</sup> House  
Journal, p. 115.  
*Infra*, chap.  
157.

Com<sup>tee</sup> to project some proper Method to prevent the Ill Consequences to the Government by Reason of the Neglect of William Foye Esq<sup>r</sup> in taking the Oath respecting the Passing & receiving the Bills of the other Governments necessary to qualify himself for the Office of a Treasurer of the Province. The Com<sup>tee</sup> to sit forthwith & report thereon. In Council Read & Concurred and Benjamin Lynde, John Cushing, John Quincy, & Andrew Oliver Esq<sup>s</sup> are joined in the Affair. [Passed January 3.

## CHAPTER 155.

### ORDER ACCEPTING REPORT OF THE COMMITTEE ON THE GIFT OF £700 TO THE PROVINCE BY SIR PETER WARREN.

Legislative  
Records of the  
Council, xix.,  
523. Mass.  
Archives, xiii.,  
335.

House Jour-  
nal, p. 115.  
*Ante*, p. 682,  
chap. 131.

THE COM<sup>TEE</sup> appointed for the within mentioned Purpose, have waited upon the Gentlemen who in the Life time of Sir Peter Warren were intrusted with his Affairs, & conferred with them respecting the £700 Sterl<sup>E</sup> which he had appropriated for the Instruction of Indian Children, were informed by said Gentlemen, that altho' they had a sufficiency in their Hands, & might upon the Order they had rec<sup>d</sup> from him had Justified the Payment, had he still been living, yet as Sir Peter was now dead they could not look upon themselves authorized to pay the Same, without Orders from the Executors; The Com<sup>tee</sup> were further informed that M<sup>r</sup> Cheif Justice Delaney of New York was one of the Executors, and had an Exemplification of the Will, and are therefore of Opinion that the Secretary be directed to write upon that Head & transmit Copy of Sir Peters Letters to the said Executor, and desire to know his Resolutions concerning the Payment of the Sum thus appropriated

JACOB WENDELL by Order.

Read & Accepted &

*Ordered* that the Secretary prepare a draft of a Letter accordingly & forward the same as soon as may be. [Passed January 3.

## CHAPTER 156.

### ORDER ALLOWING ACCOT OF THE GUARDS OF MASHPEE IND<sup>S</sup>.

Legislative  
Records of the  
Council, xix.,  
523. Mass.  
Archives,  
xxxii., 315.

Mass.  
Archives,  
xxxii., 314.  
Legislative  
Records of the  
Council, xviii.,  
43. House  
Journal, pp. 50,  
115.

AN ACCOMPT presented by David Crocker & others, Guardians of the Indians of Marshpee, of Receipts & Disbursments for them from June 1751, to November 1752. Ballance in their Hands being £15.16.11½

Read and

*Ordered* that the within written Acc<sup>t</sup> be allowed and that the Ball<sup>a</sup> thereof being fifteen pounds Sixteen Shillings and eleven pence half penny The said Guardians be further accountable for. [Passed January 3.

## CHAPTER 157.

ORDER ACCEPTING REPORT OF THE COMMITTEE ON YE AFFAIR OF THE TREAS<sup>RS</sup> NOT BEING SWORN.

REPORT of the Com<sup>tee</sup> on the Affair of the Treasurers not being sworne.

The Com<sup>tee</sup> appointed for the within mentioned Purpose having met & Considered the Affair, are humbly of Opinion that M<sup>r</sup> Foyes neglecting to take the Oath required by Law respecting the Bills of the other Governments renders it necessary that an Act should be passed, to confirm all the otherwise legal Acts & doings of the s<sup>d</sup> M<sup>r</sup> Foye as Province Treasurer, & that a Bill be brought in accordingly.

BENJ<sup>A</sup> LYNDE per Order

Which Report was accepted by both Houses with the following Additions & Amendments, viz. that this Com<sup>tee</sup> prepare the Draught of a Bill accordingly, that the Bill provide also that the past Proceedings of Daniel Russell & John Wheelwright Esq<sup>s</sup> be made good & valid tho' they have not been qualified according to Law and that M<sup>r</sup> Treasurer Foye be directed, if he see fit to take the Oath aforesaid in order to qualify him to act for the future in his Office as M<sup>r</sup> Russell & M<sup>r</sup> Wheelwright have done

And that the Treasurer be enjoined to perfect his particular Accomp<sup>t</sup> of the State of the Treasury to the first day of February next agreeable to the Vote of the House enter'd the 4<sup>th</sup> of June last & that he lay the said Accomp<sup>t</sup> before the Com<sup>tee</sup> of both Houses appointed for that Purpose on the thirtieth of November last within six Weeks from this Time on Pain of the Displeasure of this Court.

[Passed January 4.

Legislative Records of the Council, xix., 524.

Mass. Archives, ciii., 73. House Journal, pp. 115, 116, 117, 118, 119, 121. Province Laws, iii., 649, chap. 19. *Ante*, p. 654, chap. 63. *Supra*, chap. 154.

## CHAPTER 158.

ORDER ALLOWING FURTHER TIME TO HUMPHREY HOBBS & OTHERS FOR THE SETTLEMENT OF A TOWNSHIP.

A PETITION of Humphrey Hobbs, William Peabody & others Grantees of a new Township in the Eastern Parts granted them & their Associates in the Year 1750, setting forth the Difficultys they have met with in settling it according to Time, Praying that their Term may be lengthned & that they may be allowed a Guard.

Read and in answer to this Pet<sup>n</sup>

Ordered that the Pet<sup>rs</sup> be allowed the further Term of two Years from April next for the Settlement of the Sixty families herein mentioned. [Passed January 4.

Legislative Records of the Council, xix., 524. Mass. Archives, cxvi., 189.

Mass. Archives, cxvi., 188. House Journal, p. 116. *Ante*, p. 400, chap. 347.

## CHAPTER 159.

VOTE FOR SELL<sup>G</sup> LAND IN HAMPS. COUNTY AND APPOINTING A COMMITTEE THEREFOR.

Legislative Records of the Council, xix., 525. Mass. Archives, xlvi., 290. —

Mass. Archives, xlvi., 290—292. House Journal, p. 120.

In the House of Rep<sup>bes</sup>

*Voted* that the Six thousand Acres of Province land lying in the County of Hampshire south partly in Charlemount &c be Sold to the highest Bidder on the second thursday of the next Sitting of this Court within the Town of Boston to be sett up at three Shillings per Acre The Purchaser or Purchasers to pay down Twenty Dollars the remainder within one Year from the date of the Sale and to give sufficient Bond accordingly.

Also that He or they give Bond to Settle fifteen Families on said Land, to build a House eighteen feet square, and seven feet Stud, and to clear up Six Acres fit for mowing and tillage, and Stock the same with english Grass or Grain for each Family, and Compleat the same within five Years from the date of the Sale. And that the Lands be advertis'd in the Recess of the Court. And

*Voted* that Mr Speaker Col<sup>o</sup> Richards and Col<sup>o</sup> Otis with such as the Hon<sup>ble</sup> Board shall Joyn be a Comm<sup>ee</sup> for the purposes above mentioned.

In Council

Read & Concur'd & Sam<sup>ll</sup> Watts & John Quincy Esq<sup>rs</sup> are joined in the Affair. [Passed January 5.

## CHAPTER 160.

Legislative Records of the Council, xix., 525. Mass. Archives, ciii., 70. —

House Journal, pp. 118, 119.

ORDER DIRECTING TREAS<sup>R</sup> TO RECIEVE PROVINCE BILLS OF CREDIT FOR TAXES NOW DUE.

*Ordered* that the Treasurer be allowed and directed to recieve the Bills of Credit on this Province for all Taxes that are now due to the said Province until the 10<sup>th</sup> day of June next. [Passed January 5.

Legislative Records of the Council, xix., 525.

House Journal, p. 112. Province Laws, iii., 600, chap. 16.

## CHAPTER 161.

ORDER FOR THE TRANSFER OF £1,000 TO YE APPROP<sup>N</sup> FOR GRANTS.

*Ordered* that the Sum of One Thousand Pounds be transfer'd from the Appropriation for the Defence of the Province to the Appropriation for Grants &c. [Passed January 5.

## CHAPTER 162.

Legislative  
Records of the  
Council, xix.,  
525. Mass.  
Archives, xxi.,  
85.

ORDER APPOINTING A COM<sup>TEE</sup> TO PREPARE PAPERS FOR THE AGENT.

*Ordered* that the Com<sup>tee</sup> appointed to prepare the Evidences & Papers necessary to be transmitted to Mr Agent Bolland be directed to sit in the Recess of the Court, & to forward the same as soon as may be. [Passed January 5.

Legislative  
Records of the  
Council, xix.,  
490. House  
Journal, p. 121.

## CHAPTER 163.

## VOTE DIRECTING THE SHERIFFS TO PAY INTO THE TREASURY TAXES COLLECTED AND ALSO TO COLLECT ON EXECUTIONS, AND ORDER DIRECTING THE TREASURER TO ISSUE EXECUTIONS.

*Voted* That the sheriffs of the severall Countys In this Gover-  
ment Be Directed forth with to Pay Into the Province Treasury all the Moneys they have Received By Executions from the Prov-  
ince Treasurer also all Fines In their Hands Received By Order from the several Executive Courts from Time to Time and yt s<sup>d</sup> sheriffs forth with Collect all The Moneys due on the severall Executions now In their Hands & make Return there of as soon as Possible and That the Treasurer Be Drected to Notify the said sheriffs of this order

Legislative  
Records of the  
Council, xix.,  
525. Mass.  
Archives, ciii.,  
69.

House Jour-  
nal, p. 119.

*Ordered* also that the Treasurer Be Directed Imediately to Issue his Executions for all Taxes Before the year 1752 that he had here-  
tofore omitted Sending his Executions for. [Passed January 5.

## CHAPTER 164.

## ORDER IMPOWERING JOHN FOSTER TO ENTER AN ACTION.

A PETITION of John Foster of Deerfield complaining of a cruel & unjust Prosecution carried on against him at the Inferior Court for the County of Middlesex, by fraudulent Methods by Nathaniel Smith of Marlboro' who has obtained Judgment against him & thereon cast him into Prison, praying that he may be released from his Imprisonment, & allowed a new Trial of said Cause.

Legislative  
Records of the  
Council, xix.,  
525. Mass.  
Archives, xliii., 596.

Mass.  
Archives,  
xliii., 592-596.  
House Jour-  
nal, p. 118.

Read and

*Order<sup>d</sup>* That the Petitioner have Liberty of Entring anew at the next Inferior Court in the County of Middlesex the Action within mention<sup>d</sup> and that he be then Entituled to every Method of Defence In the same that by Law he would have been on his Appearance at the original Entry thereof and that the Justices of said Court be & Hereby are impowered to hear & try the same accordingly & Further that the said John be discharged from his Imprisonm<sup>t</sup> upon his first Entring into Bonds to the Sheriff of the County of Hampshire w<sup>t</sup> Two Sufficient Sureties in Double the Sum recover<sup>d</sup> for his Entring & prosecuting said Action at said Court and for his paying to said smith double Intrest & Double Additional Cost in Case Judgm<sup>t</sup> on said Tryal should be had against Him. [Passed January 5.

## CHAPTER 165.

## ORDER ON THE PETITION OF JAPHET BUSH IN REGARD TO 200 ACRES OF PROVINCE LAND.

Legislative Records of the Council, xix., 526. Mass. Archives, xlvi., 261.

Mass. Archives, xlvi., 260, 262. House Journal, pp. 111, 119. *Ante*, p. 696, chap. 159.

A PETITION of Japhet Bush of Shefield in the County of Hampshire shewing that there is Two Hundred Aeres of Land belonging to the Province praying that he may be allowed to purchase it for such Sum as may be judged Reasonable & that it may be surveyed & confirmed to him accordingly.

In the House of Rep<sup>ves</sup>

Read and

*Ordered* that the land within mentioned be Sett up at 3/ p Acre and be Struck off to the highest Bidder on the second thirsday of the next Sitting of this Court; within the Town of Boston.

The Purchaser to pay down ten dollars the remainder within one Year, and to give a Sufficient Bond accordingly.

This land to be advertis'd in the recess of the Court and Mr Speaker Col<sup>o</sup> Richards Col<sup>o</sup> Otis With such as the Hon<sup>ble</sup> Board shall Joyn be a Comm<sup>ee</sup> for the purpose abovementioned.

In Council

Read & Concurred & Sam<sup>ll</sup> Watts & John Quincy Esq<sup>rs</sup> are joined in the Affair. [Passed January 5.]

## CHAPTER 166.

## VOTE REFERRING ALL UNFINISHED MATTERS.

Legislative Records of the Council, xix., 526.

House Journal, p. 121.

*Voted* that all Matters now before the Court & not passed upon, have the Same day at the next sitting of this Court. [Passed January 5.]

## CHAPTER 167.

ORDER DIRECTING SESSION OF THE COM<sup>TEE</sup> ON THE TREAS<sup>S</sup> ACCOT<sup>S</sup>.

Legislative Records of the Council, xix., 526.

House Journal, p. 121. *Ante*, p. 695, chap. 157.

*Ordered* that the Com<sup>tee</sup> appointed to settle the Treasurers Ac-  
compts be directed to sit as soon as the Treasurer is ready for them, any five of them to be a Quorum. [Passed January 5.]

## CHAPTER 168.

## ORDER IMPOWERING ROBERT AUCHMUTY, ATTORNEY, TO SELL REAL ESTATE.

Legislative Records of the Council, xix., 526. Mass. Archives, xviii., 923.

A PETITION of Robert Auchmuthy of Boston, Attorney to Henrietta Overing only surviving Executor of John Overing late of Boston Esq<sup>r</sup> dee<sup>d</sup> shewing that thro' Mistake the Personal Estate of the Dee<sup>d</sup> was never inventoried tho' there was a sufficiency to

pay the Deceaseds Debts, nor any Bond given for such Payment, that the said Henrietta having paid a small Part of the Debts inter-married with one Benjamin Fogg & went away privately to Halifax, carrying with her the Remainder of the Personal Estate, therefore praying that the Pet<sup>r</sup> may be impowered by this Court to make Sale of the Real Estate for the Payment of the Debts, or otherwise be directed by this Court.

Mass.  
Archives,  
xviii., 921.  
House Jour-  
nal, pp. 68, 120.  
Province  
Laws, ii., 151,  
chap. 10.

Read and

*Ordered* that the prayer of the Petn be granted. And that the Pet<sup>r</sup> be and he hereby is Impowered to make Sale of the Estate within mentioned, for the most it will sell for. He observing the directions of the Law of the Province respecting the sale of Intestate Estates And giving Caution to the Judge of Probate for the County of Suffolk to apply the produce for the payment of the Just Debts of the Deceased. And that the overpluss (if any there be) be Secured for the Heirs of the said Testator. [Passed January 5.

## CHAPTER 169.

### ORDER ON THE MEM<sup>O</sup> OF YE COLLEDGE TREAS<sup>R</sup>.

A MEMORIAL of Thomas Hubbard Esq<sup>r</sup> Treasurer of Harvard Colledge in Cambridge, in behalf of the said Colledge, shewing that the Assessors of the Town of Weymouth have taxed an Island belonging to the said Colledge called Bumpkin Island, and have issued their Warrants upon the Tenants which is contrary to the Charter Priviledges of the said Colledge; Praying for Redress in this matter, and in any other Instances of the like Nature that may happen.

Legislative  
Records of the  
Council, xix.,  
506, 527.

[Report] Read &

*Ordered* that this Report be & hereby is accepted &  
Thereupon

Mass.  
Archives,  
lviii., 367, 369.  
House Jour-  
nal, pp. 93, 120,  
121.

*Resolved* that the Real & Personal Estate belonging to the Colledge & the President thereof not exceeding the Sum of Five Hundred Pounds, per Annum ought to be & the Same is hereby exempted from all civil impositions whatsoever, & that for the Future a Clause be inserted in the several Tax Acts to exempt the Same accordingly: and that as Soon as the annual Revenue of the Colledge amounts to Five hundred Pounds p Annum, the Colledge Treasurer do give an Accompt thereof into the Secretaries Office. [Passed January 5.<sup>1</sup>

## CHAPTER 170.

### ORDER GRANTING TO ZACCHEUS NORWOOD LICENCE TO KEEP A TAVERN.

A PETITION of Zaccheus Norwood of Lyn, shewing that he has lately hired the House in said Town wherein John Ward kept Tavern, which has been improved for that Service for a great Number of Years past; Praying that the Justices of the Court of General Sessions of

Legislative  
Records of the  
Council, xx., 1.  
Mass.  
Archives, exi.,  
259.

<sup>1</sup> Adjourned to March 28. See Legislative Records of the Council, xix., 527.

Mass.  
Archives, exi.,  
258. House  
Journal, p. 125.

the Peacee for the County of Essex, may be allowed & impowered by this Court to grant him a Licence to keep Tavern there:

Read and

*Ordered* that the Justices of the Gen<sup>l</sup> Sessions of the Peace for the County of Essex now sitting in Ipswich be impowered to grant the Pet<sup>r</sup> a Licence to keep a Tavern in the house within mentioned the remaining part of the Year (the time by Law for granting Licences being elapsed notwithstanding) PROVIDED the Pet<sup>r</sup> first obtains the approbation of the select Men of the Town of Lynn for the purposes above mentioned. [*Passed March 29.*

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## CHAPTER 171.

### ORDER IMPOWERING SARAH FISKE, ADMINISTRATRIX, TO SELL REAL ESTATE.

Legislative  
Records of the  
Council, xx., 2.  
Mass.  
Archives,  
xviii., 934.

Mass.  
Archives,  
xviii., 934.  
House Jour-  
nal, p. 126.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Sarah Fiske Widow & Administratrix of William Fiske late of Sutton dec<sup>d</sup> shewing that the Debts of her said Husband are much more than the Personal Estate, & therefore praying for Liberty to sell the Real Estate.

Read and

*Ordered* That the Prayer of the Petition be granted, and the Pet<sup>r</sup> is allow'd (with the advice and assistance of Col<sup>o</sup> Chandler) in her Capacity of Adm<sup>x</sup>, to make Sale of the Estate within mention'd, and to execute, in due form of Law, a Deed or Deeds for conveyance thereof to Such Person or Persons as Shall give most for the Same; and apply the Produce thereof towards the payment of the deed's just Debts; and the Remainder to be disposed of as the Law directs; Provided, before Such Sale be made, the Pet<sup>r</sup> observe the Directions of the Law, pass'd in the Sixth year of his late Majesty King George the first, relating to Exors and Admirs Sale of Real Estates, and give Sufficent Seurity to the Judge of Probate for the County of Worcester for the faithful discharge of her Trust. [*Passed March 29.*

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## CHAPTER 172.

Legislative  
Records of the  
Council, xx., 2.  
Mass.  
Archives,  
xxxii., 348.

Legislative  
Records of the  
Council, xviii.,  
43. House  
Journal, p. 128.

### ORDER APPOINTING MESS<sup>RS</sup> FREEMAN & HALL GUARDIANS OF THE BARNSTABLE INDIANS.

*Ordered* that John Freeman Esq<sup>r</sup> and Mr Joseph Hall be Guardians to the Indians in the lower part of the County of Barnstable in the room of Samuel Knowles Esq<sup>r</sup> and Cap<sup>t</sup> John Miller both Dec'd. [*Passed March 30.*

## CHAPTER 173.

ORDER DIRECTING THE COMMITTEE TO SETTLE THE ACC<sup>T</sup>S OF THE LOANS WITH THE COMMISSIONERS.

Legislative Records of the Council, xx., 2.  
Mass. Archives, ciii., 94.

*Ordered* that the Comm<sup>ee</sup> of both Houses appointed to examine the Accompts of the Treasurer of the Province be directed to Settle the Accompts with all the Commissioners upon the Loans &c And Report thereon. [Passed March 30.

House Journal, p. 131.  
*Ante*, p. 698, chap. 167.

## CHAPTER 174.

ORDER ALLOWING 40/, AND A FURTHER SUM OF 40/ ANNUALLY TO JOHN SIMON, INDIAN.

A PETITION of John Simous of Middleborō Indian, praying for some Relief from this Court in Consideration of Wounds received from the Enemy in the publick Service by which he is disabled from Labour.

Legislative Records of the Council, xx., 2.  
Mass. Archives, xxxii., 318a.

Read and

*Ordered* that the Sum of forty Shillings be allowed the Pet<sup>r</sup> out of the publick Treasury in consideration of his past Sufferings. And that the like Sum of forty Shillings be annually allowed the Pet<sup>r</sup> during his natural life. The said Sum to be paid into the hands of the Overseers of the Poor of the Town of Middleborough to be improved by them for His comfortable Subsistance. [Passed March 30.

Mass. Archives, xxxii., 318a.  
House Journal, pp. 91, 97, 128, 131.

## CHAPTER 175.

ORDER SETTING OFF THE REAL ESTATE OF ISAAC ROYAL, ESQ<sup>R</sup>, FROM THE TOWN OF STOUGHTON TO WALPOLE.

A PETITION of Isaac Royal Esq<sup>r</sup> shewing that he has a Farm in the Town of Stoughton, which with others was formerly exempted (by Reason of their great Distance from the Place of Publick Worship & the School there) from paying any Thing to the Support of them & in that Respect placed it to the Town of Walpole, & for as much as many other Inconveniences arise from their Scituation: praying that the said Farm may be wholly set off from Stoughton & annexed to the Town of Walpole

Legislative Records of the Council, xix., 487.  
Mass. Archives, cxvi., 297.

Read, together with the Answer of Joseph Billings in behalf of the Town of Stoughton, &

Mass. Archives, cxvi., 295.

*Ordered* that the Prayer of the Petition be granted, And the Real Estate of the Petitioner within mentioned is accordingly set off from the said Town of Stoughton, & annexed to the Town of Walpole to do Duty & receive Privilege there during the Pleasure of this Court. [Passed March 30.

Legislative Records of the Council, xix., 508; xx., 3.  
House Journal, pp. 62, 96, 120. *Ante*, p. 530, chap. 305.

## CHAPTER 176.

ORDER ALLOWING £4, AND A FURTHER SUM OF £3 ANNUALLY TO ROGER HUNNEWELL.

Legislative  
Records of the  
Council, xx., 3.  
Mass.  
Archives,  
lxxiv., 97.

House Jour-  
nal, pp. 127, 131.  
Province  
Laws, xiii., 702,  
chap. 319.

A PETITION of Roger Hunnewell of Scarborough, shewing that he has had some Relief, in time past, from this Court, in Consideration of the Loss of his Arm at the Seige of Louisburgh, and was recommended by the two Houses to be placed in some of the Forts, to receive pay for his Support; bnt that not having been effected; Therefore praying for some other & further Releif from this Court.

Read and

*Ordered* that the Sum of four pounds be allowed the Pet<sup>r</sup> in consideration of his Sufferings to this time. And that the Sum of three pounds be allowed out of the publick Treasury to the Pet<sup>r</sup> annually during his natural Life. [*Passed March 30.*

## CHAPTER 177.

ORDER IMPOWERING THE ASSESSORS OF THE DISTRICT OF DOUGLASS  
TO ASSESS A TAX OF ONE HALF PENNY PER ACRE FOR THREE  
YEARS.

Legislative  
Records of the  
Council, xix., 3.  
Mass.  
Archives,  
cxvi., 307.

Mass.  
Archives,  
cxvi., 306.  
Legislative  
Records of the  
Council, xx., 3.  
House Jour-  
nal, pp. 58, 59,  
133. *Ante,*  
p. 368, chap.  
261.

A PETITION of the Inhabitants of the District of Douglas, setting forth their Difficulties in maintaining their Minister & other Charges & for as much as the Court have denied to make abatement of their Province Tax, praying that they would take some Method for their Relief.

Read & it appearing that the Non resident Proprietors were Served with a Copy of this Pet<sup>n</sup> & that they had no Objection thereto; Therefore

*Ordered* that the Prayer of the Pet<sup>n</sup> be so far Granted that the Assessors for the within Mentioned District of Douglas be and hereby are Impowerd to Assess one half peny p Acre Annually for the Space of three Years on all the Lands of the Non resident Proprietors lying within said District for the Purposes within mentioned. [*Passed March 31.*

## CHAPTER 178.

RESOLVE DIRECTING THE PROVINCE TREASURER TO REDEEM PRIZE  
LOTTERY TICKETS WITH INTEREST.

Legislative  
Records of the  
Council, xx., 4.  
Mass.  
Archives,  
lxxxviii., 25.

House Jour-  
nal, pp. 130, 132.  
Province  
Laws, iii., 548,  
chap. 20.

WHEREAS in & by An Act of this Government made and pass'd in the 24<sup>th</sup> year of his Majestyes Reign Entitld an Act in Addition to an Act Intitled an Act for supplying the Treasury with Twenty six thousand seven hundred Mill'd Doll<sup>r</sup>s it was Enacted that all and every Owner and possessor of any benefit Tickets as should not be paid off within One Year after drawing by reason of any deficiency, that might then be in the Treasury shall draw

an Interest after the rate of Six p<sup>r</sup> Ct p<sup>r</sup> Annum dureing the Time of such deficiency in the Treasury provided demand be made of payment within Twenty days after y<sup>e</sup> Year is expired And whereas the proviso in the Act aforesaid was not published in the scheme for raising the aforesaid 27,600 Doll<sup>rs</sup> by way of Lottery whereby many Persons were entirely Ignorant of their being Obliged to make such Demand within the term limitted by s<sup>d</sup> Proviso, and many that have made such Demand, finding the Treasurer was not in Cash to discharge the Benefit Tickets, inform'd others that were possessd of them of the deficiency in the Treasury who thought it Needless to make any Tender of 'em for to be Exchanged. Therefore that equal Justice might be done to all concerned.

*Resolved* that the Treasurer be & he hereby is Enabled & directed to redeem all the Benefit Tickets that are still Outstanding at the rate of Thrice p<sup>r</sup> Ct for the first Year, And at the rate of Six p<sup>r</sup> Ct from the end of the first year to the Time of their Redemption, provided the Possessors make a demand in One Month after the Treasurer gives publick Notice, that he is ready to discharge them, which notice the Treasurer is directed to give immediately. [Passed March 31.

## CHAPTER 179.

### ORDER ALLOWING £2. 13. 4 TO WILL<sup>M</sup> GERMAIN.

A PETITION of William Germain of Yarmouth, setting forth his Services & Sufferings in the late Wars with the French & Indians, & his present Disability by Means of Old Age & his Wounds formerly received, praying for Relief from this Court.

Read and

*Ordered* that the Pet<sup>r</sup> be allowed out of the publick Treasury the Sum of two Pounds thirteen Shillings and four pence in consideration of his Sufferings within mentioned. [Passed March 31.<sup>1</sup>

Legislative Records of the Council, xx., 5.  
Mass. Archives, lxxiv., 95.

Mass. Archives, lxxiv., 95.  
House Journal, pp. 124, 125,  
132.

## CHAPTER 180.

### RESOLVE IN REGARD TO THE DIVISION OF POLLS AND ESTATES BETWEEN THE FIRST AND SOUTH PARISHES IN IPSWICH.

ON THE PETITION of the South Precinct in Ipswich, [*ante*, p. 582, chap. 109.]

Legislative Records of the Council, xx., 5.

*Resolved* that the said South Parish shall hold & enjoy one half of the Poles & Rateable Estate, lying within the Limits of the first Parish, & South Parish inclusively, agreeable to the General List taken for the Year 1746, for the Appointment of their Taxes (saving the Polls & Estates, that were since set off to Rowley, and that part of M<sup>r</sup> Epes's Farm lost by Sand) & no more; and that the said first Parish, together with the South Parish by their Committees, be & they hereby are directed to settle said List, & divide said Polls and Estates as soon as may be, in order to ascertain the Polls and

Mass. Archives, xiii., 321. House Journal, pp. 65, 127, 134. *Ante*, p. 582, chap. 109.

<sup>1</sup> This date is according to Mass. Archives and the House Journal: according to Legislative Records of the Council the date is April 3.

Estates which for the future shall belong to each Parish; Which List shall henceforward be deemed the divisional Parts of the said Parishes,

*Resolved* also that if the said Committee should not agree on the said Division by the List before mentioned, that then they shall call in the Aid of Mess<sup>rs</sup> Nathaniel Averil, Thomas Gage & Humphrey Hobson to settle the said List for the Purpose aforesaid. [Passed April 3.]

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## CHAPTER 181.

### ORDER IMPOWERING JACOB CHALCOM & OTHER INDIANS OF NATICK, TO SELL LAND.

Legislative  
Records of the  
Council, xx., 7.  
Mass.  
Archives,  
xxxii., 345.

House Jour-  
nal, p. 197  
(January,  
1746); pp. 126,  
140.

TWO PETITIONS of Jacob Chalcom & others Indian Inhabitants of Natick, shewing that Whereas the Rev<sup>d</sup> M<sup>r</sup> Stephen Badger has been lately ordained Pastor of their Church, they are willing & desirous that he should have suitable accommodations of Land in the said Place for his more comfortable Support; Praying that they may be impowered to settle upon him certain Lands mentioned in the Petitions

The Guardians of the said Indians having signified their Approbation thereof,

Read, and

*order'd* that the Prayer of the foregoing Petitions be granted, and that the Petitioners (with such other Indians as may joyn with them) have Liberty (with the Advice & assistance of the Guardians of the Indians in Natick) to Dispose of so much of their Interest in Lands as may be necessary for the Purposes in said Petitions mentioned: And the Guardian or Guardians of the Children & Heirs of Samuel Abraham Deceed (now in their minority) are hereby authorized & impower'd to convey to the Rev<sup>d</sup> M<sup>r</sup> Badger (by sufficient Deed) the whole of said minors Interest in the fourteen acres aforesaid; upon valuable Consideration paid or secured to be paid therefor; and the Widow & Children of the said Samuel who are of Lawfull age are alike impowered to Dispose of their Interest in the Premises: The monies arising thereby to be put into the Hands of the Guardians appointed by this Court, & to be let out on Interest, or otherwise improv'd for the best advantage of the Parties Interested, They to be accountable therefor to this Court. [Passed April 4.]

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## CHAPTER 182.

### ORDER ACCEPTING REPORT OF THE COMMITTEE FOR FARMING THE EXCISE FOR THE COUNTY OF BARNSTABLE FOR THE YEAR 1752, AND ALLOWING £3. 1 FOR THE EXPENSE THEREOF.

Legislative  
Records of the  
Council, xx.,  
10. Mass.  
Archives,  
exix., 580.

House Jour-  
nal, pp. 24, 140.  
*Ante*, p. 636,  
chap. 15.

A REPORT of the Committee for farming out the Excise of Wines, Liquors &c<sup>a</sup> for the County of Barnstable for the Year 1752, that they had let out the same to David Freeman Esq<sup>r</sup> for the Sum of One hundred & forty two Pounds eight shillings, & taken Bonds & lodged them with the Treasurer Charges being £3.1.

Read and Accepted and

*Ordered* that the sum of three pounds One sh<sup>g</sup> be allowed out of the Treasury to the Comm<sup>ee</sup> for the service abovementioned. [Passed April 4.<sup>1</sup>

## CHAPTER 183.

### ORDER ALLOWING £80 TO SAM<sup>L</sup> BRADSTREET.

A PETITION of Samuel Bradstreet, Clerk to the Directors of the Lottery of this Province, shewing his great Trouble & Labour in the said Business & Praying for a suitable Allowance from this Court in Satisfaction thereof:

Read and

*Ordered* that the Pet<sup>r</sup> be allowed out of the publick Treasury the sum of Eighty pounds in full consideration for his Services in the Capacity abovementioned. [Passed April 5.

Legislative Records of the Council, xx., 9.  
Mass. Archives, lxxviii., 36.

Mass. Archives, lxxviii., 36.  
House Journal, pp. 23, 24,  
145. Province Laws, iii., 529,  
chap. 15.

## CHAPTER 184.

### ORDER APPOINTING A COMTEE TO ENTER UPON FORFEITED LANDS GRANTED BY THIS PROVINCE.

In Council;

*Ordered* that John Quincy & John Chandler Esqr<sup>s</sup> with such as the Hon<sup>ble</sup> House shall appoint, be a Committee fully empowered in behalf of the Province, to enter upon & take Possession of all the Tracts of Land within this Government, heretofore granted by this Court on Condition of a Settlement within a limitted Time, now expired, wherever such Settlement shall not be compleated, within Eighteen Months from passing this Order in as ample Manner as was required by the Condition of each respective Grant; and the said Committee are further impowered & directed to report their doings to this Court in order to make Sale of all such forfited Lands to the highest bidder at such time and in such Proportion as they shall think most for the Interest of the Province;

*Ordered* also that this Committee have full Power to send for Persons & Papers as they shall judge necessary; And it is futher

*Ordered* that this Vote be published in all the publick News Papers; In the House of Representatives Read & Concurred & M<sup>r</sup> Hunt, Col<sup>o</sup> Richards & Col<sup>o</sup> Worthington are joined in the Affair. [Passed April 5.

Legislative Records of the Council, xx., 9.  
Mass. Archives, cxvi., 354–356.  
House Journal, pp. 146, 147.

## CHAPTER 185.

### ORDER GRANTING TO JOHN NASH LICENCE TO KEEP A TAVERN.

A PETITION of John Nash of Weymouth Innholder, shewing that by Reason of the Small Pox, then in Boston, he was prevented from renewing his Licence, at the Time by Law appointed, Therefore Praying that the Court of General Sessions of the Peace for the County of Suffolk may be allowed to renew his Licence at their next Term.

Legislative Records of the Council, xx., 10. Mass. Archives, cxii., 261.

Mass. Archives, cxii., 260. House Journal, p. 144.

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is April 6.

Read and

*Ordered* that the Justices of the Gen<sup>l</sup> Sessions of the Peace for the County of Suffolk be allowed (if they see cause) to grant the Pet<sup>r</sup> a Licence to keep Tavern the remaining part of the Year. He first obtaining the approbation of the select Men of the Town of Weymouth for that purpose. [Passed April 5.]

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Legislative  
Records of the  
Council, xx.,  
11. Mass.  
Archives,  
xxxii., 350.

Legislative  
Records of the  
Council, xviii.,  
43. House  
Journal, p. 145.  
Province  
Laws, xiii., 523,  
chap. 151.

## CHAPTER 186.

ORDER SUBSTITUTING CAPT MOSES MARCY FOR MR JABEZ LYON AS GUARDIAN OF THE DUDLEY INDIANS.

*Ordered* that Cap<sup>t</sup> Moses Marcy be one of the Guardians to the Dudley Indians in the County of Worcester in the Room of Mr Jabez Lyon who declines acting as a Guardian. [Passed April 5.<sup>1</sup>]

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## CHAPTER 187.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF EPHRAIM GATES, FOR A NEW TRIAL OF AN ACTION.

Legislative  
Records of the  
Council, xx.,  
11. Mass.  
Archives,  
xliii., 601.

Mass.  
Archives,  
xliii., 652—660.  
House Jour-  
nal, pp. 148, 149.

A PETITION of Ephraim Gates of Stow, shewing that he had an Action depending at the Superior Court for the County of Worcester between the Pet<sup>r</sup> and one Josiah Gibbs of Rhode Island Colony, upon Appeal; That the Petitioner forgetting the Alteration of the Stile failed of attending at the said Court, by which the Cause went against him by Default; Praying that he may be allowed an other Trial & Execution stayed in the mean time.

*Ordered* that the Pet<sup>r</sup> serve the adverse Partie or his Attorney James Putnam with a copy of this Pet<sup>n</sup> that He shew cause if any He hath on the first fryday of the next May Session why the Prayer thereof should not be granted.

And Execution within mentioned is Stayed in the mean time. Provided the Pet<sup>r</sup> give Sufficient Securite to the Sheriff of the County of Middlesex to pay what Sum shall finally be Judged due on this Action with Interest for the Same from this time. [Passed April 6.]

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## CHAPTER 188.

ORDER APPOINTING A COM<sup>TEE</sup> FOR EJECT<sup>G</sup> INTRUDORS ON THE PROV<sup>CE</sup> LAND.

Legislative  
Records of the  
Council, xx.,  
11. Mass.  
Archives,  
xlvii., 303.

House Jour-  
nal, p. 148.

In the House of Rep<sup>ves</sup>

*Ordered* that Judge Russell M<sup>r</sup> Trowbridge and Col<sup>o</sup> Otis with such as the Hon<sup>b</sup>le Board shall Joyn be a Committee to Consider of and Report a proper Method in order to Dispossess those Persons Who have taken Possession of the Province Lands without any Grant from the Government.

In Council Read & Concurred & Benj<sup>a</sup> Lynde & Stephen Sewall Esq<sup>rs</sup> are joined in the Affair. [Passed April 6.]

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is April 6.

## CHAPTER 189.

ORDER DIRECTING COM<sup>TEE</sup> TO DISPOSE OF WARLIKE STORES BELONG<sup>G</sup> TO THE PROV<sup>CE</sup> SHIP.

*Ordered* that the Comm<sup>ee</sup> appointed to make Sale of the Province Ship be directed (with the Leave of His Hon<sup>r</sup> the Lien<sup>t</sup> Gov<sup>r</sup> and Commander in Chief) to Make sale also of the Warlike Stores appertaining to her or such of them as they shall Judge to be for the best advantage of the Province. [Passed April 6.]

Legislative Records of the Council, xx., 11. Mass. Archives, lixv., 528.

House Journal, p. 149.  
*Ante*, p. 606, chap. 180.

## CHAPTER 190.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE APPOINTED ON THE LETTER OF COL. WILLIAMS IN REGARD TO ST FRANCOIS INDIANS.

THE COMMITTEE to whom was refer'd the Consideration of Col<sup>o</sup> Williams's Letter to his Honour the Lieutenant Governour having attended that Business, and also had Capt Stevens (who is mentioned as giving the Information in said Letter) before them, do humbly report as their Opinion, that His Honour the Lieutenant Governour be desired to direct Capt. Stevens, as soon as he can after his return to Number Four, to assure the Indians of the St Francois Tribe, that this Government are no Ways concerned directly or indirectly in any Settlement at Cowass of which they complain; But if any such Design is carrying on by a Neighbouring Government, that it is the firm Resolution of this Government to do nothing that may give any of the Tribes of the Indians just Ground of Uneasiness, or disturb the Amity subsisting between the Government & them; This the Commissioners at the late Treaty of Peace, with the Eastern Indians promised them; and that if there were any Encroachments made on their Lands by the Inhabitants of this Government, Justice should be done them; Further, That any Methods proper for this Government to take for promoting & maintaining the general Peace & Tranquility of his Majesty's Subjects in these Parts with the Neighbouring Indians will be pursued: In Consequence of which they may be also informed (if his Honour pleases) that He will write to His Excellency Governour Wentworth, of the present Uneasiness of the Indians, and the Apprehensions of a general Rupture with them if that Government or any of their People carry on a Settlement at Cowass, without their first giving them Satisfaction:

All which is humbly submitted

BENJ<sup>A</sup> LYNDE per Order.

Read & Accepted. [Passed April 7.]

Legislative Records of the Council, xx., 12.

Legislative Records of the Council, xix., 352; xx., 7. House Journal, pp. 138, 151.

## CHAPTER 191.

## ORDER ALLOWING £800 TO THE JUDGES.

Legislative  
Records of the  
Council, xx.,  
12.

House Jour-  
nal, p. 142.

*Ordered* that the Sum of Eight hundred Pounds be allowed & paid out of the publick Treasury to the Hon<sup>ble</sup> the Justices of His Majesty's Superior Court of Judicature, Court of Assize & General Goal delivery, for their Service one Year ending the first of January last. [Passed April 7.]

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## CHAPTER 192.

## ORDER ALLOWING £25 TO THE SECRETARY.

Legislative  
Records of the  
Council, xx.,  
12.

House Jour-  
nal, p. 142.  
*Infra*, chap.  
193.

*Ordered* that the Sum of Twenty five Pounds be granted & allowed to be paid out of the publick Treasury to Josiah Willard Esq<sup>r</sup> Secretary of this Province, in full for his Service for one Year, ending the third day of December last. [Passed April 7.]

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## CHAPTER 193.

## ORDER ALLOWING £120 ADDITIONAL TO THE SECRETARY.

Legislative  
Records of the  
Council, xx.,  
12.

House Jour-  
nal, p. 143.  
*Supra*, chap.  
192.

*Ordered* that the Sum of One hundred & twenty Pounds be granted, & allowed to be paid out of the Publick Treasury to Josiah Willard Esq<sup>r</sup> Secretary &c<sup>a</sup> in Consideration of his extraordinary Services to the third day of December last. [Passed April 7.]

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## CHAPTER 194.

## ORDER ALLOWING £250 TO THE PRESIDENT OF THE COLLEGE.

Legislative  
Records of the  
Council, xx.,  
12. Mass.  
Archives,  
lviII., 373.

House Jour-  
nal, p. 143.

*Ordered*, That the Sum of two hundred and fifty pounds be granted & allowed to be paid out of the publick Treasury to the Reverend Edward Holyoke President of Harvard College, over and above the Rent's of the Massachusetts-Hall, for one Year, ending the tenth day of September next to be paid Quarterly. [Passed April 7.]

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## CHAPTER 195.

## ORDER ALLOWING £186. 13. 4 TO THE TREASURER.

Legislative  
Records of the  
Council, xx.,  
13.

House Jour-  
nal, p. 143.

*Ordered* that the Sum of One hundred Eighty Six Pounds; thirteen shillings & four pence be granted & allowed to be paid out of the publick Treasury to William Foye Esq<sup>r</sup>; Treasurer & Receiver General of His Majesty's Revenues of this Province, for one Year ending the second day of January last. [Passed April 7.]

## CHAPTER 196.

## ORDER ALLOWING 1/4 PER DIEM TO THE SPEAKER.

*Ordered* that there be granted and allowed to be paid out of the publick Treasury to The Hon<sup>ble</sup> Thomas Hubbard Esq<sup>r</sup> Speaker of the House, the Sum of One shilling & four pence  $\frac{1}{4}$  Diem for every Day of his Attendance in the General Court from the Opening of the Sessions on the 27<sup>th</sup> of May 1752, over & above his pay as a Member of the House. [Passed April 7.]

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## CHAPTER 197.

## ORDER ALLOWING £100 TO THE CLERK OF THE HOUSE.

*Ordered* that there be granted & allowed to be paid out of the publick Treasury to Roland Cotton Esq<sup>r</sup> Clerk of the House the Sum of One hundred Pounds for his Service in that Trust for the present Year. [Passed April 7.]

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Legislative Records of the Council, xx., 13.  
House Journal, p. 143.

## CHAPTER 198.

ORDER ALLOWING £100 TO M<sup>R</sup> PROFESSOR WIGGLESWORTH.

*Ordered*, that there be granted & allow'd to be paid out of the Publick Treasury to the Reverend D<sup>r</sup> Edward Wigglesworth Hollisian-Professor of Divinity at Harvard-College in Cambridge, the Sum of One hundred pounds as a Gratuity, in Consideration of his faithful Discharge of that great and important Trust reposed in him, and for his further Encouragement therein. [Passed April 7.]

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Legislative Records of the Council, xx., 13. Mass. Archives, Iviii., 373.  
House Journal, p. 143.

## CHAPTER 199.

ORDER ALLOWING £80 TO M<sup>R</sup> PROFESSOR WINTHROP.

*Ordered*, that there be granted & allow'd to be paid out of the publick Treasury to John Winthrop Esq<sup>r</sup> Hollisian-Professor of the Mathematicks at Harvard-College in Cambridge the Sum of Eighty pounds as a Gratuity, in Consideration of his faithful Discharge of that Trust reposed in him, and for his further Encouragement therein. [Passed April 7.]

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Legislative Records of the Council, xx., 13. Mass. Archives, Iviii., 374.  
House Journal, p. 143.

## CHAPTER 200.

## ORDER ALLOWING £15 TO THE CHAPLAINS AT BOSTON.

Legislative  
Records of the  
Council, xx.,  
13. Mass.  
Archives, xiii.,  
409.

House Jour-  
nal, p. 143.

*Ordered* that there be allowed and paid out of the publick Treasury the Sum of fifteen pounds one half to the Rev<sup>d</sup> Chaplain of the Hon<sup>ble</sup> Board the present Year, the other half to the Heirs of the Rev<sup>d</sup> Ellis Gray Dee'd the late Chaplain of the House for their respective services the present Year. [Passed April 7.]

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## CHAPTER 201.

## ORDER ALLOWING £3 TO THE CHAPLAINS AT CAMBRIDGE.

Legislative  
Records of the  
Council, xx.,  
411. Mass.  
Archives,  
xiii., 411.

House Jour-  
nal, p. 143.  
*Supra*, chap.  
200. *Infra*,  
chap. 202.

In the House of Rep<sup>uves</sup>

*Ordered* that there be granted and allowed to be paid out of the Publick Treasury the sum of three pounds one half to the Rev<sup>d</sup> Chaplain of the Hon<sup>ble</sup> Board at the session in Cambridge the other half to the Rev<sup>d</sup> Nathaniel Appleton the Chaplain to this House at the same Session.

In Council Read & Coneurd. [Passed April 7.]

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## CHAPTER 202.

## ORDER ALLOWING £3 TO THE CHAPLAINS AT CONCORD.

Legislative  
Records of the  
Council, xx.,  
13. Mass.  
Archives, xiii.,  
408.

House Jour-  
nal, p. 144.  
*Supra*, chap.  
201.

In the House of Rep<sup>uves</sup>

*Ordered* that there be granted and allowed to be paid out of the publick Treasury the sum of Three pounds one half to M<sup>r</sup> Timothy Minot the Chaplain of the Hon<sup>ble</sup> Board At the Session at Concord. The other half to the Rev<sup>d</sup> Daniel Bliss the Chaplain to this House at the said Session.

In Council Read & Coneurd. [Passed April 7.]

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## CHAPTER 203.

## ORDER ALLOWING £40 TO THE CHAPLAIN OF CASTLE WILLIAM.

Legislative  
Records of the  
Council, xx.,  
13. Mass.  
Archives, xiii.,  
410.

House Jour-  
nal, p. 144.

*Ordered* that there be granted and allow'd to be paid out of the publick Treasury to M<sup>r</sup> John Phillips Chaplain of his Majestys Castle William, the sum of forty pounds as a Gratuity, for his Service in that trust for the Year past. [Passed April 7.]

## CHAPTER 204.

## ORDER ALLOWING £160 TO THE COMMISSARY GENERAL.

*Ordered* that there be granted & allowed to be paid out of the publick Treasury, the Sum of One hundred & sixty Pounds to John Wheelwright Esq<sup>r</sup> Commissary General for his Service in that Office for one Year. [Passed April 7]

Legislative Records of the Council, xx., 13.  
House Journal, p. 144.

## CHAPTER 205.

## ORDER CONFIRMING 200 ACRES OF LAND TO PALMER GOULDING.

A PETITION of Palmer Gonlding of Worcester, shewing that in the Year 1741. The General Court made a Conditional Grant of Land to him, to take Effect upon his discovering to the Court a certain Remedy for Cure of the biting of the Rattle-Snake, which he apprehends he has done; Praying that the said Grant of Two hundred Acres of Land may be made absolute.

Legislative Records of the Council, xx., 14. Mass. Archives, xlvi., 295.

Read and

*Ordered* that the Grant of two hundred Acres of Land conditionally granted the Pet<sup>r</sup> in the Year 1741. (which has since been surveyed by David Ingersole Esq<sup>r</sup> and taken into possession on a bargain between the Pet<sup>r</sup> and and<sup>1</sup> said Ingersole) be confirmed to the Pet<sup>r</sup> His Heirs and Assigns for ever in full Satisfaction of said Grant.

Mass. Archives, xlvi., 293, 294. House Journal, pp. 98, 133, 134, 147. Province Laws, xiii., 105, chap. 221.

Provided it does not interfere with any former Grant, and does not exceed the quantity of two hundred Acres. He the Pet<sup>r</sup> giving good Securitie to the Province Treasurer to pay to the Province within one Year from this time the Sum of twenty pounds. [Passed April 7.]

## CHAPTER 206.

## ORDER IMPOWERING THE DISTRIBUTION OF THE ESTATE OF SAMUEL HODGES, DECEASED.

A PETITION of Nathaniel Leonard & others interested in the real Estate of Samuel Hodges late of Norton in the County of Bristol dec<sup>d</sup> shewing that the said Estate was in the Year 1702, by Warrant from the then Judge of Probate of Wills for the said County divided to and among the Heirs, and the said Division returned into the Register's Office, but never accepted by the Judge nor registered in the Office, Praying that the present Jndge may be impowered to allow the said Division, & that the same be register'd accordingly.

Legislative Records of the Council, xx., 14. Mass. Archives, xviii., 935.

Read &

*Ordered* that the Prayer of this Petition be granted; And the Judge of the Probate of Wills for the County of Bristol is hereby accordingly impowered to perfect the Settlem<sup>t</sup> & Distribution of the Real Estate of Samuel Hodges Dec<sup>d</sup>. [Passed April 7.]

Mass. Archives, xviii., 935. House Journal, pp. 153, 154.

<sup>1</sup> *Sic.*

## CHAPTER 207.

ORDER ALLOWING £100 TO WILL<sup>M</sup> BAKER.

Legislative Records of the Council, xx., 14.  
House Journal, p. 144.

*Ordered* that there be allowed & paid out of the publick Treasury the Sum of One hundred Pounds to M<sup>r</sup> William Baker Door Keeper to his Honour the Lienten<sup>t</sup> Governoeur & this Court in full for his Service for one Year. [Passed April 7.]

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## CHAPTER 208.

## ORDER ALLOWING £40 TO STEPHEN SEWALL ESQR.

Legislative Records of the Council, xx., 15. Mass. Archives, xliii., 701.

Mass. Archives, xliii., 700.  
House Journal, p. 150.

A MEMORIAL of Stephen Sewall Esqr Chief Justice of the Province, setting forth the Insufficiency of his Allowance & the Profits of his Office for his comfortable Support, and therefore Praying for some further Allowance,

Read and

*Voted* that the Sum of forty pounds be granted and paid out of the publick Treasury to the Memorialist as a Gratuity in consideration of his faithful Discharge of that great and important Trust reposed in him as Chief Justice and for his further Encouragment therein. [Passed April 7.]

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## CHAPTER 209.

## ORDER ALLOWING £30 TO LIEUT. JOHN LARRABEE.

Legislative Records of the Council, xx., 15. Mass. Archives, lxxiv., 98.

Mass. Archives, lxxiv., 98.  
House Journal, p. 150.  
*Ante*, p. 389, chap. 321.

A MEMORIAL of John Larrabee Lieutenant of his Majesty's Castle William setting forth his long & faithful Services in the said Trust, & the smallness of his Pay; Praying for some additional Allowance from this Court.

Read and

*Ordered* that the sum of Thirty pounds be allowed and paid out of the publick Treasury to the Memorialist in consideration of his faithful discharge of the Trust within mentioned. [Passed April 7.]

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## CHAPTER 210.

## ORDER ALLOWING THE ACCOUNT OF THE COMMITTEE FOR FARMING THE EXCISE FOR DUKES COUNTY FOR 1751, AND ALLOWING £1. 12 EXPENSES THEREON.

Legislative Records of the Council, xx., 15. Mass. Archives, exix., 530b.

House Journal, p. 153.  
*Dura*, chap. 211. *Ante*, p. 554, chap. 41.

THE COMMITTEE for letting out to farm the Excise for Dukes County, reported that they had lett it out to Gershom Cetheart for the Year 1751, at the Rate of Seventeen Pounds six shillings & eight pence, their Charge therein being £1.12.

Read and

*Ordered* that the within Acc<sup>t</sup> be allowed and that the Accountant recieve the sum of One pound twelve Shill<sup>gs</sup> out of the publick Treasury accoordingly. [Passed April 7.]

## CHAPTER 211.

ORDER ALLOWING ACCOUNT OF THE COMMITTEE FOR FARMING THE EXCISE FOR DUKES COUNTY FOR 1752, AND ALLOWING £1. 12 FOR EXPENSES THEREON.

THE COMMITTEE for letting out to farm the Excise for Dukes County for the Year 1752, Reported that they had let it out to Gershom Cethcart for the Sum of Seventeen Pounds, their own Charge being Thirty two shillings;

Read and

*Ordered* that the within Acct be allowed and that the Accomptant recieve the Sum of one pound twelve shillings out of the publick Treasury accordingly.<sup>1</sup> [Passed April 7.]

Legislative Records of the Council, xx., 15. Mass. Archives, exix., 581.

House Journal, p. 153. *Supra*, chap. 210.

## CHAPTER 212.

ORDER ALLOWING £35 TO JOHN BROCK.

A PETITION of John Brock, Gunner of His Majesty's Castle William; Setting forth his long & faithful Services in the said Garrison & the smallness of his Wages, and praying for some further Allowance from this Court.

Read and

*Ordered* that there be allowed and paid out of the publick Treasury to the Pet<sup>r</sup> the Sum of thirty five pounds as a Gratuity in consideration of his faithful discharge of the Trust reposed in him for thirty One Years past. [Passed April 7.]

Legislative Records of the Council, xx., 15. Mass. Archives, lxxiv., 99.

House Journal, p. 150. Province Laws, xii., 714, chap. 112.

## CHAPTER 213.

RESOLVE ERECTING A PORTION OF THE TOWN OF HAVERHILL INTO A SEPERATE PARISH.

A PETITION of Nathaniel Rolfe & John Russell jun<sup>r</sup> in behalf of the Inhabitants of the Southerly part of the North Parish in Haverhill, shewing that upon running the Boundary Line between this Province & New Hampshire, The Meeting House & two Thirds of the Inhabitants fell on New Hampshire side, and the Ministers House & the Ministerial Lands on the Massachusetts Side, that the Inhabitants have hitherto & incline to continue together, but for as much as many Non Resident Proprietors on the Massachusetts Side refuse to pay their Taxes for the Support of the Ministry, Praying that this Court would enable the Petitioners to levy the said Tax.

Read and

*Resolved* that the remaining part of the Parish in the Town of Haverhil within mentioned which is still within this Province is hereby declared to be a Seperate and Distinct Parish, and Invested with all the Powers Priviledges and immunities, which other Parishes within this Province are invested with and by Law Enjoy. [Passed April 7.]

Legislative Records of the Council, xx., 16. Mass. Archives, xiii., 405.

Mass. Archives, xiii., 493. House Journal, pp. 145, 152.

<sup>1</sup> Not found in the House Journal.

## CHAPTER 214.

ORDER ACCEPTING REPORT ON THE PETITION OF RICHARD FOSTER  
ESQ<sup>R</sup> SHERIFF, AND DIRECTING THE PROVINCE TREASURER TO ISSUE  
WARRANTS FOR TAXES.

Legislative  
Records of the  
Council, xix.,  
511. Mass.  
Archives,  
xliii., 605.

Mass.  
Archives,  
xliii., 599-604.  
Legislative  
Records of the  
Council, xx.,  
1<sup>st</sup>. House  
Journal, pp. 50  
97, 137, 155.

A PETITION of Richard Forster Esq<sup>r</sup> Sheriff of the County of Middlesex, shew<sup>g</sup> that by Virtue of Warrant received from the Province Treasurer in the Year 1741, to levy divers Sums of Money on defective Constables & Collectors in the Towns of Dunstable, Dracut, Nottingham, & Litchfield, he committed them to the Goal of the County, but afterwards they were released by Order of this Court, & yet the Pet<sup>r</sup> is still indebted on the Treasurers Books for the Sums committed to him to levy. Praying for Liberty to return the said Warrants into the Treasury or that he may be otherwise relieved

Read and

*Ordered* that the Prayer of the Pe<sup>tn</sup> be granted and that the within named Sheriff have liberty to make return of the Executions mentioned in the Pe<sup>tn</sup> And that He be discharged accordingly.

And that the Province Treasurer be directed to Send a Warrant forthwith to the Assessors of the Town of Dunstable, directing them to Assess the Inhabitants of said Town for the Loan Money now due to this Province.

And that the several Constables hereafter named Viz<sup>t</sup>

Caleb Parker . . . . .	£42. 16. 1 O	Ten <sup>r</sup>
Ebenezer Proctor . . . . .	7.	O Ten <sup>r</sup>
Ebenezer Butterfield . . . . .	10. 19. 11	N. T.
Samuel Tayton . . . . .	7. 8. 11	N. T.
Benjamin Wood . . . . .	3. 2	N. T.
Ephraim Hildreth . . . . .	4. 7.	N. T.
John Barron . . . . .	4. 10	N. T.
Ebenezer Goodhue's Admr . . . . .	3. 5.	2 N. T.
Ditto for . . . . .	12. 17.	2 N. T.
John Colburn . . . . .	5.	10 N. T.
Joseph Chamberlayne . . . . .	2. 18.	6 N. T.
Zechariah Spaulding . . . . .	4. 1.	1 N. T.

have liberty until the first day of June next to pay in the several Sums affixed to their respective names which appears to be the Ball<sup>a</sup> due from each one of them exclusive of the Sum due over the Province Line. And if they neglect paying in the same by that time, that the Province Treasurer be directed to Issue his Warrant against them.

And that upon the paying in Such Sums aforesaid. The said Treasurer is directed to give them a Discharge accordingly.

*Ordered* also that the Treasurer be directed to Send his Warrant forthwith to the abovenamed Caleb Barker<sup>1</sup> to Collect the Sum affixed to his Name. [Passed April 10.]

<sup>1</sup> The House Journal, p. 155, reads, "Parker."

## CHAPTER 215.

## ORDER ALLOWING £200 FOR REPAIRS OF THE LIGHT HOUSE.

Legislative Records of the Council, xx., 17. Mass. Archives, Ixiv., 529.

*Ordered* that the Sum of two hundred pounds be granted and paid out of the publick Treasury to the Committee appointed to take care of the repairs of the Light House to Enable them to Effect the building and repairing the Wharves there. [Passed April 10.

House Jour. nat, pp. 146, 156. Ante, p. 607, chap. 181.

## CHAPTER 216.

ORDER GRANTING TO ELIS<sup>A</sup> BOWMAN LICENCE TO KEEP AN INN.

A PETITION of Elisabeth Bowman Widow of Ebenezer Bowman late of Cambridge Innholder Dec<sup>d</sup> Praying that She may be allowed to continue to keep a Tavern in the House where her Husband died, she having the Approbation of the Select Men of said Town.

Legislative Records of the Council, xx., 17. Mass. Archives, cxii., 263.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be so far granted as that the Justices of the Gen<sup>l</sup> Sessions of the Peace be and they hereby are allowed if they see cause to grant the Pet<sup>r</sup> a Licence to keep a House of publick Entertainment the remaining part of the Year.

Mass. Archives, cxii., 262. House Journal, p. 156.

The time for granting Licences being elapsed notwithstanding.  
[Passed April 10]

## CHAPTER 217.

## ORDER ACCEPTING REPORT OF THE COMMITTEE ON THE PAQUOIG AFFAIR.

A PETITION of Joseph Lord in behalf of the Inhabitants of Paquoig, setting forth that although this Court were pleased to impower them to tax the Proprietors, for raising Money for the Support of the Ministry, yet there was therein given no Power to the Collectors to restrain, for want of which the other Powers granted thereby will probably be ineffectual, praying that this Court would grant those further Powers that are necessary in the Case.

Legislative Records of the Council, xix., 477; xx., 18. Mass. Archives, cxvi., 249.

The Committee to whom was refer'd the Petition of Joseph Lord Esq<sup>r</sup> are of Opinion, that to enforce the Orders of this Court of January One Thousand seven hundred & fifty two, a Committee be appointed & fully impowered to make Sale of each Delinquent Proprietors Land, Right or Share so called in the new Township of Paquoig agreeable to said Order; And that the Committee take Bond of each Purchaser of Forty Pounds Lawful Money, to the Province Treasurer or his Successors in said Office for complying with the Conditions of Settlement, as Ordered by this Court at the Opening of said Township A.D. 1732. the Conditions of Settlement to be fulfilled in two Years from the Time of the Purchase; and each new admitted Settler on Complying therewith to have a full Confirmation of his Right of said Township, and on Failure

Mass. Archives, cxvi., 234-250. Legislative Records of the Council, xix., 490; xx., 6. House Journal, pp. 34, 51, 52, 69, 137, 157, 158. Province Laws, 94, chap. 6; xi., 701, chap. 125. Ante, p. 580, chap. 106.

thereof the same to revert to the Governm<sup>t</sup> and that said Committee lay their Proceedings before the Court for acceptance.

And whereas the Home Lots in said Township were laid out by a Com<sup>tee</sup> of this Court, but sundry Divisions & Grants of Land & Meadow have been made by said Proprietors since their first Admissions, the Committee are further of Opinion that all the Surveys made in Consequence of such Grants, Orders or Votes of said Proprietors ly in full Force; And that the Clerk of said Proprietors enter the same accordingly; so as each Division or other Survey may remain to the Home Lots or Grantees they were originally drawn for, or designed to belong to; the Charge of perfecting the same to be paid by the respective Grantees; and that untill the further Order of the Great & General Court, the Inhabitants of said Paquoig from time to time assemble & meet together for choosing of needful Officers and for granting of Money from Time to Time as may be needful, for carrying on the Affairs of said Plantation, according to the Directions in the aforesaid Order of January, One Thousand seven hundred & fifty two, and that in the Sale of any delinquent Proprietors or Grantees Land, which may be sold for collecting such Money as may be granted & duly assessed, they govern themselves agreeable to the Law made in the tenth Year of his present Majesty's Reign, Entituled an Act to enable the Proprietors of the new Townships granted by the General Court to raise Money for defreying the Charge of setiling the same; all which is humbly Submitted

Per Order of the Com<sup>tee</sup> J. CHANDLER,

In the House of Rep<sup>uses</sup> Read and Accepted

In Council Read & Coneurd & that John Chandler Esq<sup>r</sup> with such as the hon<sup>ble</sup> House shall join be a Com<sup>tee</sup> fully impowered for the Purposes mentioned in this Report

In the House of Rep<sup>uses</sup>

Read and Coneurd and Colo<sup>r</sup> Worthington and Cap Chandler are Joyned in the affair. [Passed April 11.

## CHAPTER 218.

### ORDER GRANTING TO JOB PRINCE LICENCE TO RETAIL STRONG LIQUORS.

Legislative  
Records of the  
Council, xx,  
19. Mass.  
Archives,  
lxiv., 527.

Mass.  
Archives,  
lxiv., 526.  
House Jour  
nal, p. 159.

A PETITION of Job Prince of Boston, shewing that he is concerned in carrying on the Fishery in said Town; by which Means he must unavoidably be led into the Sale of small Quantities of Rum to his Fishermen, Therefore praying that (according to the Indulgence granted to other Shoar men) he may have Licence to retail, and that the Court of General Sessions of the Peace for Suffolk may be impowered to grant the same.

Read and

*Ordered* that the Justices of the Gen<sup>l</sup> sessions of the Peace for the County of Suffolk now sitting in Boston be and they hereby are allowed (if they see cause) to grant the Pet<sup>r</sup> a Licence to retail strong Liquors the remaining part of the Year Provided He first obtains the approbation of the select Men of the Town of Boston for that purpose, the time for granting Licences being elapsed notwithstanding. [Passed April 11.

## CHAPTER 219.

## ORDER ERECTING THE PLANTATION OF SHEEPSCOT INTO A DISTRICT.

A PETITION of James Cargil in behalf of the Inhabitants of the Plantation called Sheepscot, setting forth the Inconveniences they are under for want of Power to raise Taxes, and other Matters necessary for the regular Management of their Affairs, therefore praying that they may be erected into a District according to the Bounds set forth in the Petition.

Read &

*Ordered* that the Prayer of the Petition be so far granted as that the Petitioners and the other Inhabitants of Sheepscot with the Lands, described & contained within the Bounds mentioned in their Petition to this Court Anno 1751 be set off as a District, and that they be vested with all the Powers & Priviledges with other Districts; and that the Assessment made by the Select Men chosen by the said Inhabitants for the Year 1751, be confirmed; and that the Constables or Collectors so chosen for the same Year who have collected some part of the said Assessment be impowered and directed to finish their Collection, and pay it according to the Directions of their Warrant; and that the Select Men who shall be chosen for the Year 1753, be directed & impowered forthwith to assess on the said Inhabitants and their Estates the Sum set on them in the Province Tax Act 1752, and that the Constable or Constables or Collectors who shall be chosen for the Year 1753, be impowered & directed to collect the same & pay it into the Province Treasury as soon as may be, and the Petitioners have Leave to bring in a Bill accordingly.

[Passed April 11.

Legislative Records of the Council, xx., 19.

House Journal, pp. 21, 47 (June, 1751); pp. 36, 154, 160, 161. Province Laws, iii., 631, chap. 8; 673, chap. 4.

## CHAPTER 220.

ORDER ALLOWING £6 TO THE CHARLESTOWN DEACONS AND APPOINTING A COM<sup>TEE</sup> FOR BURN<sup>G</sup> BROKEN BILLS FROM CHARLESTOWN.

A PETITION of Thomas Symmes in behalf of the Deacons of the Church at Charlestown, shewing that they having kept together a Quantity of broken Bills of Credit, collected for the Support of the publick Worship there, to the Value of about Thirty five Pounds Old Tenor, which by Accident have been eaten by Rats, so as to be uncapable of having their Value found out; Praying to be allowed their supposed Value out of the publick Treasury,

In the House of Rep<sup>ues</sup>

Read and

*Ordered* that the Sum of Six pounds be allowed the Pet<sup>r</sup> out of the publick Treasury in full Satisfaction for the Bills destroyed as above mentioned.

And that the said pieces of Bills be consumed as this Court shall Order.

In Council Read & Concur'd &

*Ordered* that John Osborne & Jacob Wendell Esq<sup>rs</sup> with such as the hon<sup>ble</sup> House shall join are a Com<sup>tee</sup> to see the said Peices of Bills forthwith consumed

In the House of Rep<sup>ues</sup>

Read and Coneurd and Cap Sheeffe Maj Laurence & Mr Gibbs are Joyned in the Affair. [Passed April 11.

Legislative Records of the Council, xx., 20. Mass. Archives, xiii., 401.

House Journal, pp. 151, 157, 159.

## CHAPTER 221.

Legislative Records of the Council, xx., 20. Mass. Archives, xxxii., 352. House Journal, p. 156.

## ORDER APPOINTING GUARDIANS TO THE TETTICUT &amp; MATTAKEESET INDIANS.

*Ordered* that Peter Oliver, Gamaliel Bradford & Josiah Edson jun<sup>r</sup> Esq<sup>rs</sup> be the Guardians of the Titticut & Mattakeset Indians. [Passed April 11.]

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## CHAPTER 222.

## ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF BRISTOL COUNTY.

Legislative Records of the Council, xx., 21. Mass. Archives, ccxlviii., 53. House Journal, pp. 9, 133, 153.

AN ACCOMPT presented by M<sup>r</sup> Robert Luscomb Treasurer of the County of Bristol for the last Year, having been by him laid before the Court of General Sessions of the Peace for the said County & by them allowed.

Read and

*Ordered* that the within Acct<sup>t</sup> be allowed. And the Ball<sup>a</sup> thereof being two pounds eight Shillings and Nine pence three farthings and  $\frac{8}{15}$ ths The said Treasurer is further accountable to said County for. [Passed April 11.<sup>1</sup>]

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## CHAPTER 223.

## VOTE ALLOWING THE ACCOUNT OF THE TREASURER OF COUNTY OF DUKES COUNTY.

Legislative Records of the Council, xx., 22. Mass. Archives, ccxlviii., 54. House Journal, pp. 9, 125.

AN ACCOMPT presented by Zaccheus Mayhew Esq<sup>r</sup> Treasurer of Dukes County for the last Year, having been laid by him before the Court of General Sessions of the Peace for the said County & by them allowed.

Read and As the said Accompt is right Cast and well Vouch'd except the following Articles Viz. The Accomptant Charges the said County Dr for 12/ Paid to Nicholas Norton, when but 9/ appears to be paid.

He also Charges the County with 10/ as paid to Seth Donham, and 9/ as paid to Thomas Trap; for which there are no Vouchers.

The Accomptant hath also debited the County the Sum of £3.17.4 for his Commissions But He should not have Charged them more than £3.13.11<sup>d</sup> Therefore

Voted that the Ball<sup>a</sup>, as now Stated being one pound two Shillings the said Treasurer is further Accountable to said County for. [Passed April 11.<sup>1</sup>]

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is April 12.

## CHAPTER 224.

ORDER ACCEPTING REPORT OF THE COMMITTEE FOR FARMING THE EXCISE IN THE COUNTY OF ESSEX AND ALLOWING £1. 17. 6 FOR EXPENSES THEREON.

THE COMMITTEE appointed to let out to farm the Excise in the County of Essex for this present Year, reported that they had let out the same to M<sup>r</sup> Timothy Fuller of Middleton for the Sum of £647.6.8, and have taken Bond with Sureties & lodged it with the Treasurer; Their Acco<sup>t</sup> of Charge being £1.17.6.

Read &

*Ordered* that the within Acco<sup>t</sup> be allowed, and that the Sum of One Pound seventeen shillings & six pence be paid to the Committee out of the publick Treasury accordingly. [Passed April 12.]

Legislative Records of the Council, xx., 21.  
House Journal, p. 165.  
*Ante*, p. 634, chap. 10.

## CHAPTER 225.

ORDER ACCEPTING REPORT OF THE COMMITTEE IN REGARD TO HUNTING ON THE INDIANS LANDS.

PURSUANT to the within Order [Legislative Records of the Council, xx., 17] the Committee have attended that Service; and are humbly of Opinion that in as much as there is a Law pass'd this present Session, forbidding the hunting after or taking any Beaver or other Furrs on any Land lying to the Northward of any English Settlements, & Eastward of Saco Truck House, that the putting that Law into Execution would prevent any more such Complaints being made from the Indians; That His Honour the Lieutenant Governour be desired to write to the several Commanders of the Garrisons & Truck Houses, to use their best Endeavours that the said Law be observed; And that the Secretary be directed to send Copies of the said Law to these Commanders, & likewise to the several Justices of the Peace residing in the Eastern Towns: All which is humbly submitted,

W<sup>m</sup> PEPPERELL *p* Order,

Legislative Records of the Council, xx., 22.  
Mass. Archives, xxxii., 339.  
Legislative Records of the Council, xx., 17. House Journal, pp. 165, 166.  
Province Laws, iii., 644, chap. 14.

Read &

*Ordered* that this Report be Accepted. [Passed April 12.]

## CHAPTER 226.

ORDER ADDING £22. 18. 5 TO THE NEXT BOSTON PROVINCE TAX.

*Ordered* that the Sum of Twenty two Pounds eighteen shillings & five pence, reported as an Arrearage due from the Town of Boston to the Province, be added to their next Province Tax. [Passed April 12.]

Legislative Records of the Council, xx., 22.  
Mass. Archives, cxxiv., 377.  
House Journal, p. 159.  
Province Laws, iii., 684, chap. 10.

## CHAPTER 227.

Legislative  
Records of the  
Council, xx.,  
22.

House Jour-  
nal, p. 160.

ORDER MAKING THE PROVINCE TREASURER ACCOUNTABLE FOR £18. 1 DUE FROM THOMAS DENNIS.

*Ordered* that the Treasurer be accountable for the sum due from Thomas Dennis of Ipswich, being Eighteen Pounds one Shilling. [Passed April 12.]

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## CHAPTER 228.

Legislative  
Records of the  
Council, xx.,  
22.

House Jour-  
nal, p. 160.

ORDER MAKING THE PROVINCE TREAS<sup>R</sup> ACCOUNTABLE FOR £5. 2. 9 DUE FROM W<sup>M</sup> SUTTON.

*Ordered* that the Treasurer be accountable for the Sum due from William Sutton of Ipswich being Five Pounds two shillings & nine pence. [Passed April 12.]

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## CHAPTER 229.

ORDER MAKING THE PROVINCE TREAS<sup>R</sup> ACCOUNT<sup>A</sup> FOR £2. 12. 9 DUE FROM BENJAMIN WOOD.

Legislative  
Records of the  
Council, xx.,  
22.

House Jour-  
nal, p. 167.

*Ordered* that the Treasurer be accountable for the Sum of Two Pounds twelve Shilings & nine pence, charged in his Account as due from Benjamin Wood of Hopkinton, It appearing that the said Sum was received by the Treasurers Clerk. [Passed April 12.]

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## CHAPTER 230.

ORDER DIRECTING THE PROVINCE TREASURER TO ISSUE HIS EXECUTION AGAINST SAM<sup>L</sup> PRAY.

Legislative  
Records of the  
Council, xx.,  
22.

House Jour-  
nal, p. 159.

*Ordered* that the Treasurer be directed to issue his Execution against Samuel Pray of Kittery, for the Sum of Nine Pounds sixteen shillings & six pence, due from him to the Province. [Passed April 12.]

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## CHAPTER 231.

ORDER DIRECTING THE PROVINCE TREASURER TO ISSUE HIS EXECUTION AGAINST TIMOTHY TOWNSEND.

Legislative  
Records of the  
Council, xx.,  
23.

House Jour-  
nal, p. 160.

*Ordered* that the Treasurer be directed to issue his Execution against Timothy Townsend of Salisbury for the Sum of Eleven Pounds one shilling & eight pence due from him to the Province. [Passed April 12.]

## CHAPTER 232.

ORDER DIRECTING THE PROVINCE TREASURER TO ISSUE HIS EXECUTION AGAINST JN<sup>o</sup> SAFFORD.

*Ordered* that the Treasurer be directed to issue his Execution against John Safford of Ipswich for the Sum of Twenty five Pounds one shilling & four pence due from him to the Province. [Passed April 12.

Legislative Records of the Council, xx., 23.

House Journal, p. 160.

## CHAPTER 233.

ORDER DIRECTING THE PROVINCE TREASURER TO ISSUE HIS EXECUTION AGAINST AMOS BINNEY.

*Ordered* that the Treasurer be directed to issue his Execution against Amos Binney of Hull for the Sum of Four Pounds, twelve shillings & nine pence due from him to the Province. [Passed April 12.

Legislative Records of the Council, xx., 23.

House Journal, p. 160.

## CHAPTER 234.

ORDER DIRECTING THE PROVINCE TREASURER TO ISSUE HIS EXECUTION AGAINST THO<sup>s</sup> SWIFT.

*Ordered* that the Treasurer be directed to issue his Execution against Thomas Swift of Milton for the Sum of Four Pounds, seven shillings & five pence, due from him to the Province. [Passed April 12.

Legislative Records of the Council, xx., 23.

House Journal, p. 159.

## CHAPTER 235.

ORDER DIRECTING THE PROVINCE TREASURER TO ISSUE HIS EXECUTION AGAINST JAMES LORING.

*Ordered* that the Treasurer be directed to issue his Execution against James Loring of Hull for the Sum of Eight Pounds nine shillings & two pence due from him to the Province. [Passed April 12.

Legislative Records of the Council, xx., 23.

House Journal, p. 160.

## CHAPTER 236.

ORDER DIRECTING THE PROVINCE TREASURER TO ISSUE HIS EXECUTION AGAINST DAV<sup>d</sup> LORING.

*Ordered* that the Treasurer be directed to issue his Execution against David Loring of Hull for the Sum of Twenty two Pounds, eleven shillings & two pence, due from him to the Province. [Passed April 12.

Legislative Records of the Council, xx., 23.

House Journal, p. 160.

## CHAPTER 237.

Legislative  
Records of the  
Council, xx.,  
23. Mass.  
Archives, chil.,  
101.

House Jour-  
nal, p. 160.

ORDER DIRECTING THE PROVINCE TREASURER TO ISSUE HIS EXECUTION AGAINST ISAAC BENNET.

*Ordered* that the Treasurer be directed to Issue his Execution against Isaac Bennet of Middleborough for the sum of seven shillings and two pence due from him to the Province. [Passed April 12.]

## CHAPTER 238.

ORDER ACCEPTING REPORT OF THE COMMITTEE ABOUT THE EASTERN INDIANS.

Legislative  
Records of the  
Council, xx.,  
23.

Mass.  
Archives,  
xxxii., 343.  
House Jour-  
nal, pp. 84, 165.  
*Ante*, p. 674,  
chap. 113;  
p. 691, chap.  
47.

THE COMMITTEE to whom was referr'd the Complaint of the Eastern Indians touching the English Claims and Settlements on Kennebeck River above Richmond Fort, having notified the Claimants, & examined the Indian Deeds, and other Evidence of Title which they produced, beg Leave to Report,

That by the Deeds produced under the Hands of the Sachems of that Countrey in the Years 1648 & 1653, and others about those Times; The Indians sold to the English not only the Lands below, but also the Lands above Richmond Fort, all along the River Kennebeck, that Settlements were early made by the English many Miles above Richmond Fort, and those Settlements continued for a considerable Time.

That the Indians in their Treaties with the English in 1693, in 1713, & in 1717, agreed that the English should quietly & peaceably enjoy all their Rights of Land, and former Settlements & Possessions in the Eastern Parts of this Province, and that the English should be no Ways molested or disturbed therein

And that Capt Lithgow and other Commanding Officers in those Parts be directed to use their best Endeavours to keep the Indians quiet, untill the Commissioners from this Government shall meet them in the Fall of the Year and let them know that such Commissioners will then lay before them the English Claims to those Lands, and endeavour in a Friendly Manner to accomodate the Matter with them: All which is humbly submitted,

JN<sup>o</sup> CUSHING <sup>1</sup> p Order

Read &

*Ordered* that this Report be accepted. [Passed April 12.]

## CHAPTER 239.

ORDER CONFIRMING PROCEEDINGS OF THE CONSTABLES OF THE TOWN OF REHOBOTH.

Legislative  
Records of the  
Council, xx.,  
24. Mass.  
Archives,  
cxvi., 320.

A PETITION of the Select Men of the Town of Rehoboth shewing that the Persons that were Chosen Constables for the Year 1750, in said Town, have, by Reason of other Persons since chosen, refusing to take the Oath relating to the Bills, served as Constables (saving

<sup>1</sup> The House Journal, p. 165, reads, "John Chandler."

in the Business of collecting the Taxes) untill this Time; And for as much as there may great Inconveniences happen by means of some Persons calling their Aetings in Question, Praying that this Court would confirm them.

[Read and thus disposed of]

Whereas there is some Difficulty arisen in the Town of<sup>1</sup> Rehoboth with regard to their Constables that were Chosen in the<sup>1</sup> Year 1750, and sworne to the faithfull Discharge of said Trust and there having been no Constables Chosen and Sworne to Said Office Since, but the Constables that were Chosen in Said year have Ever Since Warned the Town meetings and Acted in all other matters (the Collecting of Taxes only Excepted). Therefore

*Ordered* that the proceedings of the Said Constables Chosen & Sworne as afores<sup>d</sup> shall be Deemed & held good and Valid to all intents and purposes as tho' they had been Chosen & Sworne in the years 1751. 1752. & 1753, and the proceedings of the Said Town of Rehoboth at their Several Town meetings in Said years being warned by Said Constables shall be held good and Valid that are in Every other respect agreeable to Law. notwithstanding they were warned by the afors<sup>d</sup> Constables. [Passed April 12.

## CHAPTER 240.

### ORDER ACCEPTING REPORT OF THE COMMITTEE ON THE TREASURERS ACCOMPT.

PROVINCE OF THE MASSACHUSETTS BAY: The Committee to whom was referr'd the Examination of the Accompts of William Foye Esqr Treasurer and Receiver General of his Majesty's Revenues within the Province of the Massachusetts Bay in New England, beginning May 27, 1752, and ending February 8, 1753, Having attended that Service; Upon examining the Same, find them right east and well vouched; By which it appears that the said Accomptant ethargeth himself with the Sum of One Million, seven hundred & one Thousand, four hundred & sixty three Pounds one shilling & eight pence Old Tenor; being the whole Amount of the Parliamentary Reimbursement for the Charges of the Louisbourg Expedition.

Legislative Records of the Council, xx., 24.

House Journal, pp. 162, 163.  
Ante, p. 698, chap. 167.

The Committee also find that the said Accomptant hath discharged himself of the above Sum as follows; viz<sup>t</sup> By Fourteen Thousand & sixty two Pounds ten shillings paid Cpt Montague for Freight; And by sundry Payments made by Order of his Honour the Lieutenant Governour, with the Advice of the Council amounting to Seventeen Thousand eight hundred & thirty three Pounds ten shillings; And by the Payment of sundry Certificates from the Committee for exchanging Province Bills, amounting to One Million, six hundred & fifty three Thousand & six Pounds two shillings & eleven pence; And by the further Payment of sundry Certificates from said Committee for exchanging of Bills amounting to Ten Thousand five hundred & thirteen Pounds ten shillings; the whole of the Payments amount to One Million, six hundred ninety five Thousand four hundred & fifteen Pounds twelve Shillings, & eleven pence; And by the Ballance of this Accompt Six Thousand & forty seven Pounds eight Shillings & nine pence carried to the Debit of his General Accompt.

<sup>1</sup> MS. mutilated.

The Committee also find that the said Accomptant chargeth himself with what was rendered outstanding of the several assessments p last Accompt Ending May 27. 1752, Amounting in the whole to Thirty six Thousand, eight hundred & forty five Pounds & six pence three farthings; Also with the Sum of Twenty four Thousand seven hundred & ninety one Pounds, three Shillings & two pence half penny the Ballance of last Accompt; And with the Sum of Three Thousand one hundred & forty nine Pounds fifteen shillings & four pence half penny since received of the several Farmers of Excise on Liquors; and with the Sum of Three hundred & eighty Pounds, received of the Collectors of Excise on Tea; and with the Sum of Ninety eight Pounds eighteen shillings received of Thomas Hutchinson Esq<sup>r</sup>. on Accompt of a former Lottery; and with the Sum of Eighty Pounds received of James Minot Esq<sup>r</sup> for Lands sold at Hoosuck; And with the Sum of Six hundred & seventy nine Pounds seventeen Shillings & four pence received of Andrew Oliver Esq<sup>r</sup> & Committee, and with the Sum of One hundred & eighty Pounds one shilling & three pence received of Daniel Russell Esq<sup>r</sup> Commissioner of Impost; And with the Sum of Forty six Pounds five shillings & five pence received for Fines, and with the Sum of Twenty six thousand seven hundred & forty two Pounds four shillings for a Tax, granted by the General Court at Concord May 1752; And with the Ballance of the Parliamentry Grant, Eight hundred & six pounds six shillings & six pence, And with the further Sum of Nine hundred & fifty six Pounds seven shillings & eight pence borrowed of sundry Persons: All which Sums amount to the Sum of Ninety four Thousand seven hundred & fifty five Pounds nineteen shillings & four pence Lawful Money.

The Committee further find that the said Accomptant dischargeth himself by sundry Payments & Disbursements by Order of his Honor the Lienten<sup>t</sup> Governour with the Advice of the Council, amounting to Two Thousand & forty seven Pounds five shillings & seven pence half penny; And by Bills burnt by a Committee of the General Court at sundry Times since last Accompt, Amounting to Eleven Thousand three hundred & sixty one Pounds fourteen shillings & eight pence three farthings, and by Government Securities burnt by a Com<sup>tee</sup> of the General Court since last Accompt; The Principal & Interest paid upon them amounting to Twenty six Thousand seven hundred & fifty Two Pounds, sixteen shillings & seven pence; And by the Taxes yet Outstanding Forty eight Thousand three hundred & three Pounds, three shillings & two pence three farthings: All which Sums amount to the Sum of Eighty eight Thousand four hundred & sixty five Pounds & two pence; And that the Accomptant further dischargeth himself by the Sum of Nineteen hundred ninety five Pounds, twelve Shillings Deficiency of his Cash, And the Sum of Four Thousand, two hundred & ninety five Pounds seven shillings & two pence, Ballance in hand: But the Consideration of the aforementioned Deficiency not lying with this Committee the Balance in his Hands must appear to them to be Six Thousand and two hundred ninety Pounds, nineteen shillings & two Pence, for which he is further accountable.

JACOB WENDELL per Order,

Read &

Ordered that this Report be accepted. [Passed April 12.

## CHAPTER 241.

## ORDER ACCEPTING REPORT OF COMMITTEE ON LETTER FROM GOVR CLINTON.

THE COMMITTEE appointed to take under Consideration a Letter from his Excell<sup>cy</sup> Governor Clinton, of the 6<sup>th</sup> of March last, and the Papers accompanying the same, have attended that Service & particularly considered the Report of a Committee of the Council of New York on two Petitions “Complaining of new Claims & Encroachments by the Inhabitants of the Massachusetts Bay on the Province of New York, [”]<sup>1</sup> by which Report an Extraordinary Title is set up in Favour of New York to a valuable part of this Province: The Committee are upon the whole humbly of Opinion, That Commission<sup>rs</sup> be appointed to meet at some convenient Time & Place; which this Court may appoint, to confer with Commissioners who may be appointed by the Government of New York, and with them to agree upon Measures for settling the bounds of the two Provinces, in an amicable Manner, and to settle the same accordingly, to the End that good Understanding may be preserved, which ought to subsist between Fellow Subjects and Neighbouring Provinces: And that a Letter be wrote to Governor Clinton, desiring that Commissioners on behalf of the Government of New York may be appointed & fully authorized for the Purposes afore said,

JOHN CHANDLER per Order,

Read & Accepted. [Passed April 12.

Legislative Records of the Council, xx., 26. Mass. Archives, vi., 117.

Legislative Records of the Council, xx., 1, 3. House Journal, pp. 125, 126, 164, 165.

## CHAPTER 242.

ORDER GRANTING TO ESTES HATCH, JUN<sup>R</sup>, LICENCE TO RETAIL STRONG LIQUORS.

A PETITION of Estes Hatch jun<sup>r</sup> of Roxbury, shewing that he is Occupant of an House in the said Town, lately belonging to the Estate of John Richardson Esq<sup>d</sup> Dec<sup>d</sup> which has been for many Years licenced for retailing of strong Liquors; Therefore Praying that the Court of General Sessions of the Peace for the County of Suffolk may be impowered by this Court to grant him a Licence,

Legislative Records of the Council, xx., 26. Mass. Archives, exi., 205.

Mass. Archives, exi., 264. House Journal, pp. 158, 159.

Read and  
Ordered that the Justices of the Gen<sup>l</sup> Sessions of the Peace for the County of Suffolk now held in Boston be and they hereby are allowed (if they see cause) to grant the Pet<sup>r</sup> a Licence the remaining part of the Year.

Provided He first obtains the approbation of the Select Men of the Town of Roxbury for that purpose, the time for granting Licences being elapsed notwithstanding. [Passed April 12.

<sup>1</sup> Inserted from State Library copy, Legislative Records of the Council, xx., 26.

## CHAPTER 243.

## ORDER IMPOWERING PETER BRAND, INDIAN, TO SELL LAND.

Legislative  
Records of the  
Council, xx.,  
24. Mass.  
Archives,  
xxxii., 355.

Mass.  
Archives,  
xxxi., 354.  
Legislative  
Records of the  
Council, xviii.,  
43. House  
Journal, p. 170.

A PETITION of Peter Brand of Natick, Indian, Praying for Liberty from this Court to sell so much of his Lands as will be sufficient to discharge the Debts he has contracted, for which he is now imprisoned, as he can no otherwise get a Discharge; The foregoing Petition was recommended by two of the Guardians of the Natick Indians.

Read, &

*Order'd* that the Prayer of this Petition be Granted, and that the Petitioner (with the advice of the Guardians, of the Indians in Natick) be, & he is hereby impowered to make Sale of the whole, or a part only, of the Estate mentioned, as said Guardian shall judge to be most for his advantage: and in case the whole should be Sold, then the Proceeds of the Sale (after Payment of his just Debts) to be vested in other Real Estate as set forth in the Petition. [Passed April 13.<sup>1</sup>

## CHAPTER 244.

ORDER ALLOWING £3 AND £3 ANNUALLY TO JN<sup>O</sup> DAVIS.

Legislative  
Records of the  
Council, xx.,  
26. Mass.  
Archives,  
Ixxiv., 100.

Mass.  
Archives,  
lxix., 100.  
House Jour.  
nal, pp. 144, 167.

A PETITION of John Davis of Lyn shewing that while he was in the Service of this Government in the Eastern Parts he received a dangerous Wound, from the Indian Enemy in his right Arm (² w<sup>ch</sup>) has disabled him from Labour, Praying for some Allowance from this Court for the Support of himself & Family,

Read and

*Ordered* that the Sum of three pounds be allowed out of the publick Treasury to the Pet<sup>r</sup> in consideration of His sufferings w<sup>th</sup>in mentioned

*Ordered* also that the Sum of three pounds be allowed the Pet<sup>r</sup> annually as a Yearly Pension till this Court shall otherwise Order.

The said Sums to be paid into the Hands of the Overseers of the Poor of the Town of Lynn for the Use of the Pet<sup>r</sup>. [Passed April 13.<sup>2</sup>

## CHAPTER 245.

## ORDER IMPOWERING RICHARD BILL AND JOSHUA HENSHAW, EXECUTORS, TO SELL REAL ESTATE.

Legislative  
Records of the  
Council, xx.,  
27. Mass.  
Archives,  
xviii., 936.

A PETITION of Richard Bill and Joshua Henshaw, the only acting Executors of the last Will and Testament of John Vassall late of Cambridge Esq<sup>r</sup> Deed shewing that the Debts of the Testator exceeds the Personal Estate, and for as much as the Creditors are

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is April 12.

<sup>2</sup> *Sic*, as to parenthesis.

<sup>3</sup> This date is according to Mass. Archives; according to Legislative Records of the Council and the House Journal the date is April 12.

very pressing for Payment, and the Superior Court will not sit in the County of Middlesex till August next, therefore Praying that this Court would give Power to the Petitioners to make Sale of the real Estate for this End,

Read, &

*Order'd* that the Prayer of this Petition be so far granted as that the Petitioners, in their said Capacity, be, & they are hereby empowered (upon their Lodging in the Secretarys Office a proper Certificate from the Probate Office in the County of middlesex, setting forth that the said Deceas'ds Debts amount nearly or altogether to the apprized value of his Estate in this Province) to make sale of the Premises for the Purposes in said Petition mentioned They giving previous Publick Notice of such Sale agreeable to the Directions of the Law relating to the Sale of Real Estates by Executors & Administrators. [Passed April 13.<sup>1</sup>

## CHAPTER 246.

### ORDER ADDING £34. 11. 6 TO THE NEXT KITTERY PROVINCE TAX.

Legislative Records of the Council, xx., 28.

*Ordered* that the Sum of Thirty four Pounds eleven shillings and six pence, due from John Lydston of Kittery be added to the next Province Tax, of the said Town of Kittery. [Passed April 13.

House Journal, p. 171. Province Laws, iii., 691, chap. 10.

## CHAPTER 247.

### ORDER ADDING £15. 6. 10 TO THE NEXT GEORGE TOWN PROVINCE TAX.

Legislative Records of the Council, xx., 28.

*Ordered* that the Sum of Fifteen Pounds, sixteen<sup>2</sup> shillings & ten pence, due from Mess<sup>rs</sup> James Savage & Daniel Lancaster both of George Town, be added to the next Province Tax of said Town of George Town. [Passed April 13.

House Journal, p. 171. Province Laws, iii., 691, chap. 10.

## CHAPTER 248.

### ORDER DIRECTING THE PROVINCE TREASURER TO ISSUE HIS EXECUTION AGAINST JOHN HOOPER.

Legislative Records of the Council, xx., 28.

*Ordered* that the Treasurer be directed to issue his Execution against John Hooper of Berwick for the Sum of Two Pounds, fourteen shillings & ten pence, due from him to the Province. [Passed April 13.

House Journal, p. 171.

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is April 12.

<sup>2</sup> The House Journal, p. 171, also Province Laws, iii., 691, read, £15. 6. 10.

## CHAPTER 249.

Legislative  
Records of the  
Council, xx.,  
28.

House Jour-  
nal, p. 171.  
Province  
Laws, iii., 691,  
chap. 10.

## ORDER ADDING 13/ 7 TO THE NEXT BERWICK PROVINCE TAX.

*Ordered* that the Sum of Thirteen shill<sup>gs</sup> & seven pence due from Alexander Grant of Berwick be added to the next Province Tax of the said Town of Berwick. [Passed April 13.]

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## CHAPTER 250.

Legislative  
Records of the  
Council, xx.,  
28.

House Jour-  
nal, p. 171.  
Province  
Laws, iii., 686,  
chap. 10.

## ORDER ADDING 14/ 9 TO THE NEXT CAMBRIDGE PROVINCE TAX.

*Ordered* that the Sum of Fourteen shillings & nine pence due from Joshua Gamage late of Cambridge dec<sup>d</sup> be added to the next Province Tax of the said Town of Cambridge. [Passed April 13.]

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## CHAPTER 251.

Legislative  
Records of the  
Council, xx.,  
28.

House Jour-  
nal, p. 171.  
Province  
Laws, iii., 687,  
chap. 10.

## ORDER ADDING 15/ 2 TO THE NEXT HOPKINTON PROVINCE TAX.

*Ordered* that the Sum of Fifteen shillings & two pence due from James Lock of Hopkinton be added to the next Province Tax of the said Town of Hopkinton. [Passed April 13.]

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## CHAPTER 252.

Legislative  
Records of the  
Council, xx.,  
28.

House Jour-  
nal, p. 171.  
Province  
Laws, iii., 691,  
chap. 10.

## ORDER ADDING £21. 2. 9 TO THE NEXT NORTH YARMOUTH PROVINCE TAX.

*Ordered* that the Sum of Twenty one Pounds, two shillings & nine pence, due from Nath<sup>l</sup> Barnes of North Yarmouth, be added to the next Province Tax of the said Town of North Yarmouth. [Passed April 13.]

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## CHAPTER 253.

## ORDER TRANSFERRING DIVERS APPROPRIATIONS.

Legislative  
Records of the  
Council, xx.,  
29.

House Jour-  
nal, p. 172.  
Province  
Laws, iii., 635,  
636, chap. 8.

*Ordered* that Seventy six Pounds, ten shillings be transfer'd from the £2,500, Appropriation for Defence, to the Appropriation of Eight hundred ninety two Pounds for the Pay of the Members of the General Court.

*Ordered* that Three hundred ninety seven Pounds two shillings be transferr'd from the Appropriation of Sixteen hundred Pounds for the Commissary's Disbursements, to the Appropriation for Pay of the Members &c,

*Ordered* that the Sum of Twelve hundred & two Pounds eighteen shillings be transfer'd from the said Sum of Sixteen hundred Pounds to the Appropriation for Grants. [Passed April 13.]

## CHAPTER 254.

Legislative  
Records of the  
Council, xx.,  
29. Mass.  
Archives,  
lxxviii., 38.

### ORDER ALLOWING £112. 10 TO THE DIRECT<sup>RS</sup> OF THE LATE LOTTERY.

House Jour-  
nal, p. 173.  
Province  
Laws, iii., 539,  
chap. 15.

*Ordered* that the sum of One hundred and twelve pounds ten shill<sup>gs</sup> be allowed out of the publick Treasury to the Directors of the late Mass<sup>a</sup> Lottery to be divided among them According to their services respectively. [Passed April 13.]

## CHAPTER 255.

Legislative  
Records of the  
Council, xx.,  
29. Mass.  
Archives,  
ixxiv., 94.

### ORDER ALLOWING £4 AND £3 ANNUALLY TO EDWARD MANCHESTER.

Mass.  
Archives,  
ixxiv., 93.  
House Jour-  
nal, pp. 145, 168.

A PETITION of Edward Manchester of Dartmouth, setting forth his Sufferings by Reason of Wounds received when in the Service of the Government, Praying for the Compassionate Consideration of this Court for granting him some Relief,

Read and

*Ordered* that the Sum of four pounds be allowed out of the publick Treasury to the Pet<sup>r</sup> in consideration of his Sufferings w<sup>th</sup>in mentioned

*Ordered* also that the Sum of three pounds be allowed the Pet<sup>r</sup> annually as a Yearly Pension until this Court shall otherwise Order.

The Said Sums to be paid into the hands of the Overseers of the Poor of the Town of Dartmouth for the Use of the Petitioner. [Passed April 13.]

## CHAPTER 256.

### VOTE ACCEPTING REPORT OF COMMITTEE APPOINTED ON THE INDIAN TRADE.

Legislative  
Records of the  
Council, xx.,  
29.

AN ACCOMPT presented by John Wheelwright Esq<sup>r</sup> of Goods &c<sup>a</sup> sent by him to the several Truck Houses in behalf of the Government, for carrying on the Trade with the Indians, and of Peltrey &c<sup>a</sup> received from June 1750, to May 1751, with the following Report of a Committee of the House thereon, dated Septemb<sup>r</sup> 13. 1751.

Examined the within Accompt, And that the Ballance due from John Wheelwright Esq<sup>r</sup> the Officer for managing the Indian Trade, which he is further to accompt for, is Twenty seven Thousand & fifty one Pounds, four shillings & three pence Old Tenor.

T. HUBBARD per Order of Committee.

Read & Accepted.<sup>1</sup> [Passed April 13.]

<sup>1</sup> Not found in the House Journal.

## CHAPTER 257.

VOTE ACCEPTING ACCOUNT OF THE COMMISSARY GENERAL OF STORES.

Legislative  
Records of the  
Council, xx.,  
29.

---

AN ACCOMPT presented by John Wheelwright Esq<sup>r</sup> Commissary General of the several Species of Provisions by him purchased for victualling the Garrisons with the Report of the Committee of the House thereon; viz<sup>t</sup>

Examined the within Accompt of Specie, & there remains due to the Province Two barrells of Pork, and ten bushels and three quarts of Pease, which John Wheelwright Esq<sup>r</sup> Commissary General is further to account for in the next Accompt of Specie,

T. HUBBARD per Order,

Read & Accepted.<sup>1</sup> [Passed April 13.]

## CHAPTER 258.

VOTE ACCEPTING REPORT OF COMMITTEE ON THE COMMISSARY GEN<sup>L'S</sup> ACCO<sup>T</sup> OF DISBURSEMENTS.

Legislative  
Records of the  
Council, xx.,  
30.

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THE COMMITTEE appointed to audit & examine the Accompts of John Wheelwright Esq<sup>r</sup> Commissary General have accordingly examined said Accompts & find the same right cast & well vouch'd, & that the said Wheelwright has disbursed for his Majestys Service the Sum of £19,162.2.10, and that he hath received of the Province Treasurer per Several Warrants in part thereof, with several Articles sold belonging to the Province amounting to £13,645.16 to the 31, May 1751, There is therefore due from the Province to the said Wheelwright for the Ballance thereof, Five Thousand, five hundred & sixteen Pounds, six shillings & ten pence Old Tenor.

T. HUBBARD per Order,

Read & Accepted.<sup>1</sup> [Passed April 13.]

<sup>1</sup> Not found in the House Journal.

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## I N D E X   O F   N A M E S.

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